

**Lance J.M. Steinhart, P.C.**  
Attorneys At Law  
1725 Windward Concourse  
Suite 150  
Alpharetta, Georgia 30005

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

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

March 29, 2024

**VIA E-FILE**

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
(785) 271-3100

Re: IM Telecom, LLC d/b/a Infiniti Mobile - ETC Designation  
Docket No. 24-IMTT-515-ETC

Dear Sir/Madam:

Please find for filing IM Telecom, LLC d/b/a Infiniti Mobile's Amended to Application for Designation as an Eligible Telecommunications Carrier.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,



Lance J.M. Steinhart, Esq.  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
*Attorneys for IM Telecom, LLC d/b/a Infiniti Mobile*

Enclosures



## II. FINANCIAL AND TECHNICAL CAPABILITY

Financial support for the Company's continued operations will be enhanced pursuant to the terms of an Agreement by and among IM Telecom, LLC d/b/a Infiniti Mobile, an Oklahoma limited liability company, KonaTel, Inc., a Delaware corporation (hereafter the "Seller"); and Excess Telecom, Inc., a Nevada corporation (hereinafter the "Buyer" or "Excess"), under which Buyer will purchase one hundred percent (100%) of the issued and outstanding membership ownership interests of IM Telecom, LLC (the "Transaction"). In step one of the Transaction, Excess acquired forty nine percent (49%) of the membership ownership interests of IM Telecom, LLC; step two of the Transaction is the purchase of the remaining fifty-one percent (51%) of the membership ownership interests of IM Telecom, LLC upon obtaining any required regulatory approvals for the Transaction, including the Company's Second Amended Compliance Plan filed with the FCC on March 13, 2024, a copy of which is attached hereto as Exhibit 1. Attached Exhibit 2 contains updated key management bios<sup>3</sup> (intended to replace Exhibit 5 of the Company's Application) and Exhibit 3 contains an updated organizational chart (intended to replace Exhibit 7 of the Application).

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<sup>3</sup> The management team currently holds dual roles at Excess Telecom and Insight Mobile, Inc., and will serve the same roles for IM Telecom upon the closing of the Transaction.

### III. CONCLUSION

Based on the Company's Application as amended herein, designation of INFINITI as an ETC in the State of Kansas accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

WHEREFORE, INFINITI respectfully requests that the Commission promptly designate INFINITI as an ETC in the State of Kansas for the purpose of participating in the Lifeline program.

Respectfully submitted,



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Lance J.M. Steinhart, Esq.  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
(770) 232-9200 (Phone)  
(770) 232-9208 (Fax)  
E-Mail: [lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

*Attorneys for* IM Telecom, LLC  
d/b/a Infiniti Mobile

March 29, 2024

**EXHIBIT 1**

**Second Revised Compliance Plan**

**Lance J.M. Steinhart, P.C.**  
Attorneys At Law  
1725 Windward Concourse  
Suite 150  
Alpharetta, Georgia 30005

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

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

March 13, 2024

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

Re: IM Telecom, LLC d/b/a Infiniti Mobile's Second Amended Compliance Plan  
WC Docket Nos. 09-197 and 11-42

Dear Ms. Dortch:

On August 8, 2012, the Wireline Competition Bureau ("Bureau") approved IM Telecom, LLC d/b/a Infiniti Mobile's ("IM Telecom" or the "Company") initial Compliance Plan<sup>1</sup> which outlined the measures IM Telecom would take to implement the conditions imposed by the Federal Communications Commission ("FCC" or the "Commission") in its 2012 Lifeline Reform Order.<sup>2</sup> IM Telecom filed an Amended Compliance Plan on March 8, 2018, which the Bureau approved on October 23, 2018,<sup>3</sup> identifying a transfer of control and making revisions to comply with rule changes since the 2012 Lifeline Reform Order.

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<sup>1</sup> *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, Public Notice, DA 12-1286 (rel. August 8, 2012).

<sup>2</sup> *See Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42 and 03-109, CC Docket No. 96-45, and WC Docket No. 12-23, Report and Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012).

<sup>3</sup> *Wireline Competition Bureau Approves the Wireless Compliance Plan of IM Telecom*, Public Notice, DA 18-1081 (rel. Oct. 23, 2018); *In Re Telecommunications Carriers Eligible for Universal Service Support, et al.*, Amended Compliance Plan of IM Telecom, LLC (filed March 8, 2018).

Marlene H. Dortch

March 13, 2024

Page 2

IM Telecom now seeks expedited approval of the enclosed Second Amended Compliance Plan to update the information provided due to the passage of time and to reflect a proposed change in ownership.

### **Change in Ownership**

Pursuant to the terms of an Agreement by and among IM Telecom, LLC d/b/a Infiniti Mobile, an Oklahoma limited liability company, KonaTel, Inc., a Delaware corporation (hereafter the “Seller”); and Excess Telecom, Inc., a Nevada corporation (hereinafter the “Buyer” or “Excess”), Buyer will purchase one hundred percent (100%) of the issued and outstanding membership ownership interests of IM Telecom (the “Transaction”). In step one of the Transaction, Excess is acquiring forty nine percent (49%) of the membership ownership interests of IM Telecom; step two of the Transaction is the purchase of the remaining fifty-one percent (51%) of the membership ownership interests of IM Telecom upon obtaining any required regulatory approvals for the Transaction, including this Second Amended Compliance Plan. Excess’ ownership will enable IM Telecom to achieve measurable growth at the same time as it develops improved operating efficiencies, both necessary components for the Company to thrive. The Transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

Respectfully submitted,

*s/ Lance Steinhart*

Lance J.M. Steinhart, Esq.

Managing Attorney

Lance J.M. Steinhart, P.C.

*Attorneys for IM Telecom, LLC d/b/a Infiniti Mobile*

Enclosures

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	
Telecommunications Carriers Eligible to Receive Universal Service Support	WC Docket No. 09-197
Lifeline and Link Up Reform and Modernization	WC Docket No. 11-42
IM Telecom, LLC d/b/a Infiniti Mobile	

**IM TELECOM, LLC D/B/A INFINITI MOBILE  
SECOND AMENDED COMPLIANCE PLAN**

IM Telecom, LLC d/b/a Infiniti Mobile (“IM Telecom” or the “Company”),<sup>1</sup> through its undersigned counsel, hereby respectfully submits and requests expeditious approval of these revisions to its approved Compliance Plan (this “Second Amended Compliance Plan”) outlining the measures it will take to comply with the Federal Communications Commission’s (“Commission” or “FCC”) Lifeline rules and orders,<sup>2</sup> and reflecting a material change in

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<sup>1</sup> Changes in the Company’s affiliates following a proposed change in ownership are discussed in Section III herein; upon consummation, the Company’s names and identifiers will remain the same.

<sup>2</sup> See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012) (“2012 Lifeline Reform Order”). See also *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71, ¶ 249 (rel. June 22, 2015) (Order on Reconsideration). The Company herein submits the information required by the Compliance Plan Public Notice. See also *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012) (Compliance Plan Public Notice). See *In the Matter of Lifeline and Link*



ownership. IM Telecom’s Compliance Plan was originally approved by the Wireline Competition Bureau (“Bureau”) on August 8, 2012.<sup>3</sup> IM Telecom filed its Amended Compliance Plan on March 8, 2018, which the Bureau approved on October 23, 2018,<sup>4</sup> identifying a transfer of control and making revisions to comply with rule changes since the 2012 Lifeline Reform Order. IM Telecom is currently designated as an eligible telecommunications carrier (“ETC”) to provide Lifeline services to low-income consumers on a wireless basis in California, Colorado, Georgia, Kentucky, Maryland, Missouri, Nevada, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia and Wisconsin.

IM Telecom files this Second Amended Compliance Plan to update the information provided due to the passage of time and to reflect a proposed change in ownership described in Section III below.

IM Telecom commends the Commission’s commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers. IM Telecom complies with 911 requirements as described below and qualifies for blanket forbearance from the facilities requirement of section 214(e)(1)(A) of the Communications Act to participate as an ETC in the Lifeline program.<sup>5</sup>

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*Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket No. 11-42, WC Docket No. 00-197, WC Docket No. 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (“*Third Report and Order*”).

<sup>3</sup> *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, Public Notice, DA 12-1286 (rel. August 8, 2012).

<sup>4</sup> *Wireline Competition Bureau Approves the Wireless Compliance Plan of IM Telecom*, Public Notice, DA 18-1081 (rel. Oct. 23, 2018); *In Re Telecommunications Carriers Eligible for Universal Service Support, et al.*, Amended Compliance Plan of IM Telecom, LLC (filed March 8, 2018).

<sup>5</sup> See 2012 Lifeline Reform Order ¶ 368. Although IM Telecom qualifies for and seeks to avail itself of the Commission’s grant of forbearance from the facilities requirement of section

IM Telecom complies fully with all conditions set forth in the 2012 Lifeline Reform Order and Third Report and Order, as well as with the Commission's Lifeline rules and policies more generally.<sup>6</sup> This Second Amended Compliance Plan describes the specific measures that the Company has implemented to achieve these objectives. Specifically, this Second Amended Compliance Plan: (1) describes in detail the measures that IM Telecom takes to implement the obligations contained in the Lifeline program rules and orders, including (a) the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Low Income Fund and (b) materials related to initial and ongoing certifications and marketing materials; and (2) provides a detailed description of how IM Telecom offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company's Lifeline service plan offerings.

#### **ACCESS TO 911 AND E911 SERVICES**<sup>7</sup>

Pursuant to the 2012 Lifeline Reform Order, forbearance is conditioned upon the Company: (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) providing its wireless Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of wireless Lifeline-eligible subscribers who obtain Lifeline-supported

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214(e)(1)(A) for purposes of the federal Lifeline program, the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state for purposes of state universal service funding under state program rules and requirements. IM Telecom will follow the requirements of the Commission's Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income fund, including in any state where the public utilities commission determines that IM Telecom provides service using its own facilities for purposes of a state universal service program.

<sup>6</sup> IM Telecom will update its associated Lifeline program forms and advertising, whenever necessary, to reflect Commission changes to the applicable Lifeline program rules.

<sup>7</sup> See Compliance Plan Public Notice at 3.

services.<sup>8</sup> The Company will provide its wireless Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all IM Telecom customers will have available access to emergency calling services at the time that Lifeline voice telephony service is initiated, and that such 911 and E911 access will be available from Company handsets, even if the account associated with the handset has no minutes remaining.

IM Telecom's existing practices currently provide access to 911 and E911 services for all customers. IM Telecom currently uses T-Mobile, AT&T and Verizon as its underlying wireless network providers/carriers ("Underlying Carriers"). The Underlying Carriers route 911 calls from the Company's customers in the same manner as 911 calls from their own retail customers. To the extent that IM Telecom's Underlying Carriers are certified in a given PSAP territory, this 911 capability will function the same for the Company. IM Telecom also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active or suspended or has any remaining minutes.

**E911-Compliant Handsets.** IM Telecom's handsets used in connection with the wireless Lifeline service offering have always been and will continue to be 911 and E911-compliant. As a result, any existing IM Telecom wireless customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. To the extent IM Telecom offers handsets for use with its Lifeline service, any new customer that qualifies for and enrolls in IM Telecom's Lifeline voice telephony service is assured of receiving a 911/E911-compliant handset.

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<sup>8</sup> See 2012 Lifeline Reform Order ¶ 373.

To further obtain the benefits of a modernized Lifeline program, the Commission’s Third Report and Order also set forth the requirement that Lifeline providers providing both mobile broadband services and devices to their consumers provide handset devices that are Wi-Fi enabled.<sup>9</sup> The Commission further requires such providers to offer the choice to Lifeline customers of devices that are equipped with hotspot functionality.<sup>10</sup> To the extent IM Telecom offers devices for use with its Lifeline-supported broadband service, it commits to provide devices that meet the equipment requirements set forth in 47 C.F.R. § 54.408(f).

## COMPLIANCE PLAN

### **I. PROCEDURES TO ENROLL A SUBSCRIBER IN LIFELINE<sup>11</sup>**

#### **A. Policy**

IM Telecom will comply with the uniform eligibility criteria established in section 54.409 of the Commission’s rules, as amended by and through the Third Report and Order. Therefore, all subscribers will be required to demonstrate eligibility, as determined by the National Lifeline Eligibility Verifier (“National Verifier”),<sup>12</sup> based on: (1) household income at or below one hundred-thirty five percent (135%) of the Federal Poverty Guidelines for a household of that size; or (2) the household’s participation in one of the federal assistance programs listed in

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<sup>9</sup> See Third Report and Order at ¶ 366.

<sup>10</sup> See *id.* The Third Report and Order clarifies that the requirement to provide Wi-Fi-enabled handsets does not apply to devices provided prior to the effective date of the rule (December 2, 2016).

<sup>11</sup> See Compliance Plan Public Notice at 3.

<sup>12</sup> The National Verifier is fully operational, except in NLAD Opt-out states where it is undergoing a modified launch (see *Wireline Competition Bureau Announces the Next National Lifeline Eligibility Verifier Launch in Three States*, WC Docket No. 11-42, Public Notice, DA 19-1290 (Released Dec. 18, 2019)). In these states, IM Telecom will rely upon the National Verifier in conjunction with the state administrator (together, the “National Verifier”) for eligibility determination.

sections 54.409 of the Commission's rules. In addition, through the certification requirements described below and the use of the National Lifeline Accountability Database ("NLAD"), the Company confirms that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

## **B. Eligibility Determination**

IM Telecom relies on the National Verifier and NLAD (in conjunction with the state administrator in NLAD Opt-out states; hereafter, use of "National Verifier" is inclusive of any state administrator in NLAD Opt-out states) to determine an applicant's eligibility for Lifeline service. Eligible customers can enroll in IM Telecom's Lifeline service directly with IM Telecom and authorized third-party vendors in-person through field representatives or at retail locations, electronically on the Company's website, or with the assistance of live call center agents. Customers may also apply directly with the National Verifier online or by mail. Regardless of enrollment method, IM Telecom relies upon the National Verifier for determination of consumer eligibility for Lifeline.

IM Telecom uses a web-based electronic Lifeline enrollment application ("App") for all Lifeline customer enrollments. Applications are processed using a platform (currently third-party, though the Company could in the future implement its own compatible platform) which works in conjunction with the National Verifier and NLAD. The App works on a tablet or computer in tandem with the National Verifier Service Provider portal to provide the required disclosures and collect applicant information, identity documentation, and proof of eligibility, all of which is uploaded to the National Verifier for eligibility determination and NLAD duplicate check. Each prospective customer is checked against the NLAD to ensure that the applicant does

not already receive Lifeline service before the customer is enrolled.<sup>13</sup> Upon approval in a state, IM Telecom provides an approved Zip Code list to load into the App to ensure all prospective subscribers reside within IM Telecom’s approved service area as designated by the state commission or the FCC.

Customers that enroll electronically will use the National Verifier consumer portal to submit their Lifeline application and eligibility documentation directly to the National Verifier, or customers may submit such documentation directly to the National Verifier by mail. IM Telecom does not collect, review, or maintain eligibility documentation, other than in NLAD-opt out states if required.

As discussed in further detail in Section I.F. below, all employees or representatives (“Representative(s)”) who interact with current or prospective customers are trained regarding all applicable eligibility and certification requirements, including the one-per-household requirement, and are required to inform potential customers of those requirements.

Further, IM Telecom will not enroll customers at retail locations where the Company does not have an agency agreement with the retailer. IM Telecom will require a retailer to have any employees involved in the enrollment process go through the standard Company training process, just as it would for any other Company Representative. By establishing contractual relationships with all of its Representatives, including future retail outlets, IM Telecom meets the “deal directly” requirement adopted in the TracFone Forbearance Order.<sup>14</sup>

The Commission determined in the 2012 Lifeline Reform Order that ETCs may permit representatives to assist with the Lifeline application process because “the Commission has

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<sup>13</sup> See *infra* Section I.F. regarding use of the NLAD.

<sup>14</sup> See Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), CC Docket No. 96-45, Order, FCC 05-165, ¶ 19 (2005).

consistently found that “[l]icensees and other Commission regulatees are responsible for the acts and omissions of their employees and independent contractors.”<sup>15</sup> IM Telecom acknowledges it is responsible for the actions of all of its Representatives, and further commits to comply with the Commission’s *Fifth Report and Order* which set forth reforms to strengthen the Lifeline program’s enrollment, recertification, and reimbursement processes including involvement of representatives.<sup>16</sup>

All Representatives are instructed that the company has zero tolerance for waste, fraud or abuse, and that they should notify the compliance team if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit. In addition, if Representatives have any questions or concerns regarding eligibility and enrollment, the Company strongly encourages them to bring such questions and concerns to the IM Telecom compliance team so that they can be researched and resolved in accordance with the Commission's Lifeline rules and regulations. IM Telecom provides Representatives with refresher training, including to inform them of changes to Lifeline program rules and regulations, including eligibility requirements. Representatives will be disciplined, up to and including termination, for failing to comply with Lifeline rules and regulations. IM Telecom also provides comprehensive training to its internal compliance personnel.

De-Enrollment for Ineligibility. If IM Telecom has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company will notify the

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<sup>15</sup> 2012 Lifeline Reform Order ¶ 110.

<sup>16</sup> *In the Matter of Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019) (“*Fifth Report and Order*”).

subscriber of impending termination in writing, will comply with any state dispute resolution procedures applicable to Lifeline termination, and will give the subscriber thirty (30) days to demonstrate continued eligibility.<sup>17</sup> A demonstration of eligibility must comply with the annual certification procedures in 47 C.F.R. §54.410(f). After the expiration of the subscriber's time to respond, IM Telecom will de-enroll any subscriber who fails to demonstrate eligibility within five (5) business days. If IM Telecom is notified by the Administrator that a subscriber is receiving duplicative support, IM Telecom will de-enroll the subscriber within five (5) business days pursuant to 47 C.F.R. §54.405(e)(2).

As required by the Commission's rules, if a customer contacts the Company and states that he or she is not eligible for Lifeline or wishes to de-enroll for any reason, the Company will de-enroll the customer within two (2) business days.<sup>18</sup> Live customer service and bilingual operators can currently be reached for Lifeline service support from 8 AM to 8 PM CST Monday through Friday, and 8 AM to 5 PM CST on Saturday, with 24/7 access to assistance via phone and email.

### **C. Subscriber Certifications for Enrollment**

IM Telecom has implemented certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance in compliance with 47 C.F.R. § 54.410(a). The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally. Every applicant will be required to complete the universal or National Verifier

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<sup>17</sup> See 2012 Lifeline Reform Order ¶ 143; 47 C.F.R. § 54.405(e)(1).

<sup>18</sup> See 47 C.F.R. § 54.405(e)(5).



Lifeline application forms required by FCC rules (“Universal Forms”), and thus IM Telecom complies with the disclosure and information collection requirements in 47 C.F.R. § 54.410(d).<sup>19</sup> The Universal Forms, whether online or paper format, indicate qualifying programs as well as a breakdown of income eligibility based upon the Federal Poverty Guidelines by household size. When enrolling with IM Telecom’s assistance via the service provider portal, Company Representatives will orally explain the certifications to consumers.<sup>20</sup>

Disclosures. The Universal Forms include the following disclosures, which the Company also includes on its website or electronic application platform: (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 applicant’s de-enrollment from the program; and (6) Lifeline is a non-transferable benefit and the applicant may not transfer his or her benefit to any other person.<sup>21</sup> The Universal Forms further collect the information and certifications required by 47 C.F.R. §§ 54.410(d)(2)-(3), and

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<sup>19</sup> See *FCC Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice, DA 18-161 (rel. Feb. 20, 2018). The standard application/certification forms are available on USAC’s website (See USAC, Lifeline Forms, <https://www.usac.org/lifeline/additional-requirements/forms/>). See Compliance Plan Public Notice at 3.

<sup>20</sup> See 2012 Lifeline Reform Order ¶ 123.

<sup>21</sup> See *id.* ¶ 121; 47 C.F.R. § 54.410(d)(1).

require the applicant to consent to transmission of the subscriber's information to the Administrator to ensure the proper administration of the Lifeline program.<sup>22</sup>

#### **D. Annual Re-Certification Procedures**

IM Telecom relies upon the National Verifier to annually re-certify all subscribers in compliance with section 54.410(f)(3) of the Commission's rules (the Company follows prescribed modified processes in NLAD opt-out states). The National Verifier is responsible to annually confirm a subscriber's current eligibility to receive Lifeline by querying the appropriate income or eligibility databases, or contacting subscribers as needed to obtain a signed certification from the subscriber on a form that meets the certification requirements in section 54.410(d). The National Verifier is responsible for sending notice to the subscriber explaining that failure to respond to the re-certification request within sixty (60) days will result in the subscriber's de-enrollment from the Lifeline program. If IM Telecom is notified by the National Verifier that it is unable to re-certify a subscriber, IM Telecom will comply with the de-enrollment requirements provided for in §54.405(e)(4).<sup>23</sup>

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<sup>22</sup> See 47 C.F.R. § 54.404(b)(9). The application/certification form will also 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. See 47 C.F.R. § 54.404(b)(9).

<sup>23</sup> IM Telecom may send messages to its customers, as permitted by National Verifier recertification processes, to educate them regarding the annual recertification process and requirement, as contemplated by the 2012 Lifeline Reform Order. This type of educational recertification message is consistent with the 2012 Lifeline Reform Order, which states that "ETCs and states may also choose to notify subscribers about the re-certification requirements in their Lifeline outreach materials. By taking these actions, ETCs and states will ensure that consumers are aware of the importance of responding to re-certification efforts, and that they are not inadvertently disconnected due to a lack of understanding of program rules." 2012 Lifeline Reform Order ¶ 145.

## **E. Activation and Non-Usage**

To the extent IM Telecom offers Lifeline service that does not require the Company to assess and collect a monthly fee from its subscribers, the Company will not seek Lifeline reimbursement for a subscriber until the subscriber activates the Company's service, such as by engaging in qualified use of the service as defined in 47 C.F.R. § 54.407(c)(2).<sup>24</sup>

After service activation, IM Telecom will not seek reimbursement from the USF for and will de-enroll any subscriber that has not paid a monthly fee for or used the Company's Lifeline service as set forth in 47 C.F.R. § 54.407(c)(2). An account will be considered active if the authorized subscriber establishes usage, as "usage" is defined by 47 C.F.R. § 54.407(c)(2), during the specified timeframe, currently a period of thirty (30) days, or during the notice period set forth in 47 C.F.R. § 54.405(e)(3), currently a period of fifteen (15) days. In accordance with 47 C.F.R. § 54.405(e)(3), IM Telecom will provide the subscriber advanced notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the notice period will result in service termination for non-usage. IM Telecom will update the NLAD within one (1) business day of de-enrolling a subscriber for non-use and will submit a non-usage de-enrollment report annually to USAC.<sup>25</sup>

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<sup>24</sup> See 2012 Lifeline Reform Order ¶ 257; 47 C.F.R. § 54.407(c)(1).

<sup>25</sup> See 2012 Lifeline Reform Order at ¶ 257; see also 47 C.F.R. §§ 54.404(b)(10) and 54.405(e)(3), respectively.

## **F. Additional Measures to Prevent Waste, Fraud and Abuse**

IM Telecom is committed to carefully follow the various measures and procedures implemented by the Commission to curb waste, fraud and abuse in the Lifeline program and prevent duplicate Lifeline benefits being awarded to the same household. The Company complies with the requirements of the NLAD and section 54.404 of the Commission's rules. Through use of the National Verifier, the Company queries the NLAD for every enrollment<sup>26</sup> to determine whether a prospective subscriber is currently receiving a Lifeline service from another ETC and whether anyone else living at the prospective subscriber's residential address is currently receiving Lifeline service.<sup>27</sup>

In addition to checking the NLAD, Company Representatives emphasize the "one Lifeline phone per household" restriction in their direct sales contacts with potential customers. Training materials include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction. All Company Representatives interacting with existing and potential Lifeline customers undergo training regarding eligibility and certification requirements. Representatives must acknowledge completion of the training and agree to follow the procedures outlined therein. Further, Representatives assisting with National Verifier or NLAD transactions will be required to participate in the Representative Accountability Database (RAD) in accordance with FCC rules.

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<sup>26</sup> With the limited exception of states that have opted out of the NLAD. In those states, IM Telecom will follow the duplicates detection process required by the state.

<sup>27</sup> See 2012 Lifeline Reform Order ¶ 203. The Company transmits to the NLAD the information required for each new Lifeline subscriber. See *id.*, ¶¶ 189-195; 47 C.F.R. § 54.404(b)(6). Further, the Company updates each subscriber's information in the NLAD within ten (10) business days of any change, except for de-enrollment, which will be transmitted within one business day. See 47 C.F.R. § 54.404(b)(8),(10). These statements may not be applicable in states that have opted out of the NLAD.

All Representatives are given a toll-free hotline and an email address that can be used for any issues or questions regarding Lifeline services.

One-Per-Household Certification. IM Telecom has implemented the requirements of the 2012 Lifeline Reform Order to ensure that it provides only one Lifeline benefit per household<sup>28</sup> through the use of Universal Forms discussed above, National Verifier and NLAD database checks, and its marketing materials discussed below. Upon receiving an application for the Company's Lifeline service, IM Telecom will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.<sup>29</sup> If an applicant shares an address with one or more existing Lifeline subscribers according to the NLAD or National Verifier, the prospective subscriber may complete a form certifying compliance with the one-per-household rule in accordance with 47 C.F.R. § 54.410(g).<sup>30</sup>

If an applicant is determined to have an existing Lifeline service, IM Telecom will explain that a subscriber cannot have multiple Lifeline Program benefits with the same or different service providers, and will obtain consent from the subscriber that the subscriber wishes to transfer their existing Lifeline service to IM Telecom (and acknowledges doing so will result in loss of the Lifeline benefit with their former Lifeline service provider) prior to initiating a benefit transfer.

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<sup>28</sup> A "household" is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. *See* 2012 Lifeline Reform Order ¶ 74; section 54.400(h).

<sup>29</sup> *See* 2012 Lifeline Reform Order ¶ 78.

<sup>30</sup> The Household Worksheet is available at <https://www.usac.org/lifeline/additional-requirements/forms/>.

Marketing Materials. The Company includes the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service, (2) Lifeline is a government assistance program, (3) the service is non-transferable, (4) only eligible consumers may enroll in the program, (5) the program is limited to one discount per household; and (6) the name of the ETC.<sup>31</sup> These statements are included in all print, audio, video and web materials (including social networking media) used to describe or enroll customers in the Company's Lifeline service offering; this specifically includes the Company's website as well as outdoor signage.<sup>32</sup> In addition, the application forms state that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

#### **G. Company Reimbursements from the Fund**

To ensure that IM Telecom does not seek reimbursement from the Fund without a subscriber's consent, the Company certifies, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and re-certification forms from each of the subscribers for whom it is seeking reimbursement.<sup>33</sup> Further, the Company will comply with the Commission's requirement to use a first day of the month uniform snapshot date to request reimbursement from USAC for the provision of Lifeline support.<sup>34</sup> In addition, the Company will keep accurate records as directed by USAC<sup>35</sup> and as required by section 54.417 of the Commission's rules.

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<sup>31</sup> See 2012 Lifeline Reform Order ¶ 275; 47 C.F.R. § 54.405(c).

<sup>32</sup> See 2012 Lifeline Reform Order ¶ 275; 47 C.F.R. § 54.405(c).

<sup>33</sup> See 2012 Lifeline Reform Order ¶ 128; 47 C.F.R. § 54.407(d).

<sup>34</sup> See 47 C.F.R. § 54.407(a).

<sup>35</sup> See 47 C.F.R. § 54.407(e).

## **H. Annual Company Certifications**

The Company submits an annual FCC Form 481 filing to the Commission by July 1<sup>st</sup> of each year, providing the Company's business and affiliate information, terms and conditions of any voice telephony plans offered to Lifeline subscribers, and all other required information and certifications.<sup>36</sup> The Company also submits an annual Form 555 filing to the Commission certifying, under penalty of perjury, that the Company: (1) has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services; (2) that the Company is in compliance with all federal Lifeline certification procedures; and (3) that the Company is in compliance with the minimum service levels set forth in 47 C.F.R. §54.408.<sup>37</sup> The Company provides the results of re-certification efforts, performed pursuant to section 54.410(f) of the Commission's rules, as amended, annually by January 31<sup>st</sup>, for re-certification efforts of the previous year.<sup>38</sup>

## **I. Cooperation with State and Federal Regulators**

IM Telecom will cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the

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<sup>36</sup> See 47 C.F.R. § 54.422.

<sup>37</sup> See 47 C.F.R. § 54.416(a).

<sup>38</sup> See 47 C.F.R. § 54.416(b).

effect that one of its customers already receives Lifeline services from another carrier; and

- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe<sup>49</sup> is receiving Lifeline-supported service from another ETC or is no longer eligible.

## II. Description of Lifeline Service Offerings<sup>39</sup>

IM Telecom will offer its Lifeline service in the service areas in the states where it is designated as an ETC and throughout the coverage area of its Underlying Carriers. IM Telecom's Lifeline-supported services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408.

IM Telecom's current wireless Lifeline offering based upon minimum service standards (MSS) effective December 1, 2023, and subject to change based upon future increases in MSS, consists of the following plan option(s):

<b>Product Plans</b>	<b>Plan 1 (Non-Tribal)</b>	<b>Plan 2 (Non-Tribal)</b>	<b>Plan 3 (Tribal Only)</b>
Data	1 GB	4.5 GB	6 GB
Voice Minutes	1,000	3,000	3,000
Text	1,000	Unlimited	Unlimited
Net Cost to Lifeline Subscribers	\$14.00/month	\$20.00/month	\$0.00/month

### **Top Ups:**

- \$10.00 for 1,000 minutes and 1,000 texts
- \$10.00 for 1GB Refill
- \$20.00 for 2GB Refill
- \$30.00 for 4GB Refill

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<sup>39</sup> See Compliance Plan Public Notice at 3.



In addition to allotments of voice, text and broadband services, IM Telecom's current wireless Lifeline offering includes a free SIM card (or may contain a free handset) and access to custom calling features at no charge, including Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Voicemail. All wireless Lifeline plans include domestic long-distance at no extra per minute charge. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes. Lifeline customers can purchase additional minutes or data through customer service, the Company's website, and through IVR. Additional information regarding the Company's wireless Lifeline plans, rates and services can be found on its website (<https://www.Infinitimobile.com/>).

### **III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation<sup>40</sup>**

Financial and Technical Capabilities. 47 C.F.R. § 54.202(a)(4) requires carriers petitioning for ETC designation to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements,<sup>41</sup> and the Compliance Plan Public Notice requires that carriers' compliance plan include this demonstration. Among the factors the Commission will consider are the following: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate; whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding in any state.

IM Telecom has successfully operated as a provider of wireless Lifeline service since 2012. Financial support for IM Telecom's continued operations will be enhanced pursuant to the

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<sup>40</sup> See Compliance Plan Public Notice at 3.

<sup>41</sup> See 2012 Lifeline Reform Order ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

terms of an Agreement by and among IM Telecom, LLC d/b/a Infiniti Mobile, an Oklahoma limited liability company, KonaTel, Inc., a Delaware corporation (hereafter the “Seller”); and Excess Telecom, Inc., a Nevada corporation (hereinafter the “Buyer” or “Excess”), under which Buyer will purchase one hundred percent (100%) of the issued and outstanding membership ownership interests of IM Telecom (the “Transaction”). In step one of the Transaction, Excess is acquiring forty nine percent (49%) of the membership ownership interests of IM Telecom; step two of the Transaction is the purchase of the remaining fifty-one percent (51%) of the membership ownership interests of IM Telecom upon obtaining any required regulatory approvals for the Transaction, including this Second Amended Compliance Plan. Organizational charts pre-and-post-close are attached hereto as Exhibit A.

Excess was incorporated in 2013 and commenced offering resold wireless services in 2020. On March 19, 2015 (DA 15-348), the FCC International Bureau granted Excess Section 214 international authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission’s rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission’s rules. Excess’s principal offices are located at 3773 Howard Hughes Pkwy 590S, Las Vegas, NV 89169. Excess has established considerable financial, managerial and technical resources that will be available, as needed, to support IM Telecom in its operations and continuing growth. Excess is owned fifty percent (50%) by Cobby Pourtavosi and fifty percent (50%) by Shadi Aslemand, both United States citizens.<sup>42</sup> Excess is authorized to provide CMRS throughout the United States and Puerto Rico, and has been authorized to provide services by the FCC and USAC under the Affordable Connectivity Program

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<sup>42</sup> Ms. Aslemand also owns one hundred percent (100%) of Insight Mobile, Inc. which holds international Section 214 authority from the Commission to provide global facilities-based and resale service and is an approved ACP provider.

(“ACP”) (and previously the Emergency Broadband Benefit “EBB” program) in said jurisdictions. Excess does not have foreign ownership and, like IM Telecom, is not a foreign carrier or affiliated with foreign carriers in any market.

Excess brings to IM Telecom not only financial stability, but also managerial and technical resources. Excess receives revenue from a number of sources which are independent from the revenue it receives in the form of Lifeline reimbursements, such as non-Lifeline wireless income from the sale of prepaid wireless services to non-Lifeline consumers. Excess will similarly move forward with IM Telecom operations such that IM Telecom provides non-Lifeline services wholly separate from and/or complementary to its Lifeline services. IM Telecom has provided non-Lifeline telecommunications services and will continue to do so after the closing of the Transaction. Consequently, IM Telecom has not and will not be relying exclusively on Lifeline reimbursement for its operating revenues. IM Telecom has not been subject to enforcement action, and has not been subject to ETC revocation proceedings in any state except for Wisconsin which was reinstated.<sup>43</sup> Excess has not been subject to enforcement sanctions regarding the Low Income Fund or ETC revocation proceedings in any state.

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<sup>43</sup> The Public Service Commission of Wisconsin (WI PSC) granted IM Telecom designation as an ETC by Order effective May 25, 2016 in Docket No. 9694-TI-100. The WI PSC rescinded IM Telecom’s ETC designation in Docket No. 5-TI-2723 effective July 30, 2020 because the Company had not yet offered Lifeline service in Wisconsin and did not respond to certain data requests issued by Staff. IM Telecom filed to reinstate its ETC designation, sincerely apologizing for the circumstances surrounding its ETC revocation proceeding, identifying the reasons for its failures, and explaining the steps it had taken to remedy these problems: “In order to prevent any compliance deficiencies in the future, IM Telecom has put measures in place to ensure consistent, timely compliance going forward by contracting with independent third-party compliance vendors: FAS Tek Compliance Solutions, Inc. for ongoing regulatory compliance and reporting ongoing sales and use tax and E-911 compliance; Expert Telecom Compliance, Inc. for ETC-specific compliance; and Lance J.M. Steinhart, P.C. for legal and regulatory services, including maintaining current contact information with regulatory entities, as well as legal advice regarding operations, marketing and compliance, rate changes and service area expansions, advice regarding state and federal ETC Lifeline rulemakings and rule changes, and general monitoring of Lifeline notices and proceedings that could potentially affect IM Telecom. These third-party vendors will provide industry expertise and add a layer of accountability and protection regardless of unforeseen internal personnel changes, although in

With respect to technical expertise, both IM Telecom and Excess have considerable experience complying with the requirements of the federal Lifeline program and/or ACP. In addition, the post-Transaction operations team will consist of seasoned personnel experienced in the telecommunications industry.<sup>44</sup> As a result, the Transaction will bring the full strength of Excess's telecommunications capabilities and business expertise, particularly with respect to compliance and marketing in the low-income consumer sector. Excess's ownership will enable IM Telecom to achieve measurable growth at the same time as it develops improved operating efficiencies, both necessary components for the Company to thrive. In addition, the Transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

Service Requirements Applicable to the Company's Support. The Compliance Plan Public Notice requires carriers to include "certifications required under amended section 54.202 of the Commission's rules."<sup>45</sup> IM Telecom certifies that it will comply with the service requirements applicable to the support the Company receives.<sup>46</sup> IM Telecom's Lifeline supported voice services will meet the minimum service standards set forth in 47 C.F.R. § 54.408. IM Telecom's Lifeline supported broadband services will meet the minimum service standards set forth in 47 C.F.R. § 54.408 for mobile broadband internet access services, including for service speed and data usage allowance, as such standards are updated on an annual

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addition, the Company has dedicated staff to work with these aforementioned compliance providers." The WI PSC found that re-designation was in the public interest by Order effective July 20, 2022.

<sup>44</sup> Attached Exhibit B contains information on key management personnel post-Transaction. The management team currently holds dual roles at Excess Telecom and Insight Mobile, Inc., and will serve the same roles for IM Telecom upon the closing of the Transaction.

<sup>45</sup> Compliance Plan Public Notice at 3.

<sup>46</sup> See 47 C.F.R. § 54.202(a)(1).

basis. To the extent IM Telecom provides devices for use with Lifeline-supported broadband service, such devices will meet the equipment requirements set forth in 47 C.F.R. § 54.408(f), and IM Telecom will not impose an additional or separate tethering charge for mobile data usage below the minimum standard.

The Company provides all of the telecommunications services supported by the Lifeline program and will make the services available to all qualified consumers throughout the states in which it is designated as an ETC. The Company's services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent and broadband Internet access service that is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Further, the Company's wireless service offerings included in Section II *supra* provide its customers with a set number of minutes of use at no additional charge to the customer beyond the monthly plan rate, and can be used for local and domestic toll service.

The Company will also provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available, and will comply with any Commission requirements regarding E911-compliant handsets. As discussed above, the Company will comply with the Commission's applicable forbearance grant conditions relating to the provision of 911 and E911 services and handsets (when applicable).

Finally, IM Telecom will not provide toll limitation service ("TLS"), which allows low-income consumers to avoid unexpected toll charges. However, since IM Telecom is a prepaid service provider, customers cannot be disconnected for failure to pay toll charges and they are

unable to exceed their preset minutes without purchasing more in advance. The Company, like most wireless carriers, does not differentiate domestic long-distance toll usage from local usage and all usage is paid for in advance. Pursuant to the 2012 Lifeline Reform Order, subscribers to such services are not considered to have voluntarily elected to receive TLS.<sup>47</sup>

#### **IV. Conclusion**

IM Telecom submits that its Second Amended Compliance Plan fully satisfies the conditions set forth in the Commission's 2012 Lifeline Reform Order, the Compliance Plan Public Notice and the Lifeline rules. Timely approval of this Second Amended Compliance Plan is essential to allow IM Telecom to consummate the ownership change as described herein and demonstrably strengthen the Company's operating capabilities to the direct benefit of its Lifeline customers. Accordingly, the Company respectfully requests that the Commission expeditiously approve these revisions to its Compliance Plan.

Respectfully submitted,

*/s/ Lance J.M. Steinhart*

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Lance J.M. Steinhart  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
(770) 232-9200 (Phone)  
(770) 232-9208 (Fax)  
E-Mail: [lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

*Legal and Regulatory Counsel*

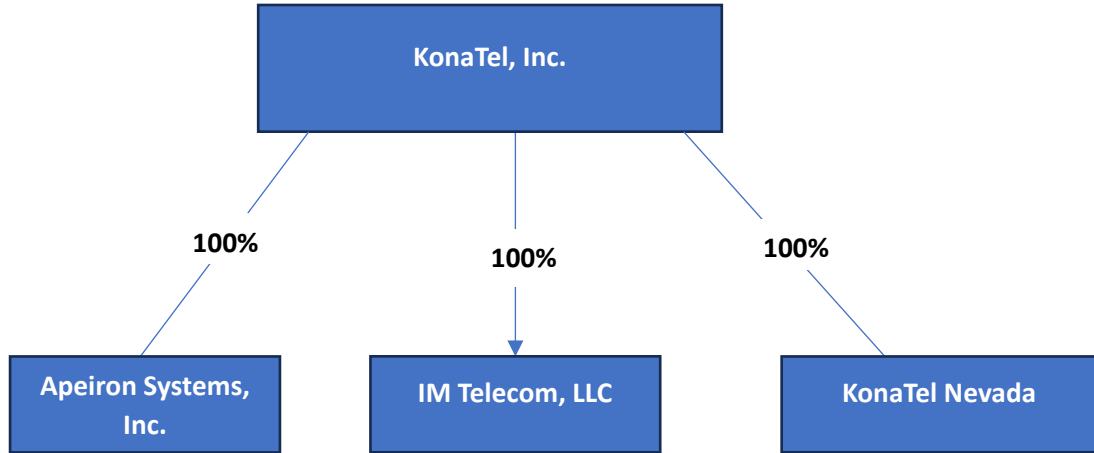
March 13, 2024

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<sup>47</sup> See 2012 Lifeline Reform Order ¶ 230.

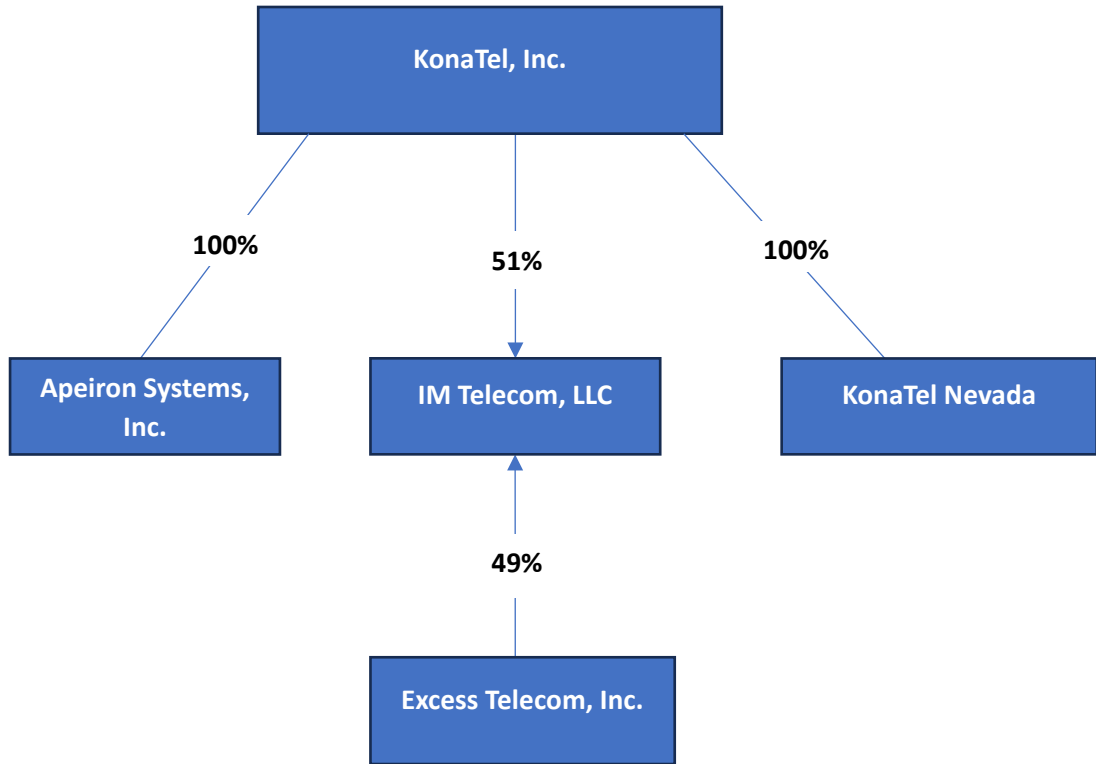
## **EXHIBIT A**

Pre-Transaction Org Chart



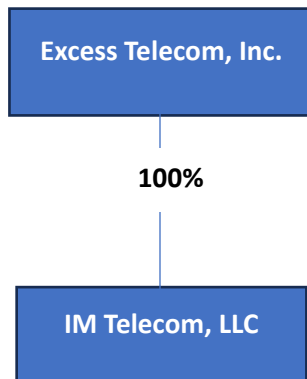


**STEP 1**



**STEP 2**

**(Post-Transaction)**



## **EXHIBIT B**

**John Ripley (President - Excess Telecom, Inc. and Insight Mobile, Inc.)**

For the past 25 years John Ripley has worked with companies to build and execute high growth strategies that revolve around profitable, sustainable and efficient growth. In his current role as President, John oversees strategic execution while managing all customer operations, field operations, compliance, legal, corporate operations, finance and accounting.

After starting his career in finance and accounting with big tech companies such as Oracle and Microsoft, John pivoted to work with start-up and growth stage companies in the telecommunications, healthcare, technology and services industries. Prior to joining Excess Telecom as Chief Operations Officer in April 2022, John held executive leadership roles in the Lifeline and Emergency Broadband Benefit Program space since 2013 when he served as COO and Chief Financial Officer for IMMERGE, LLC. At IMMERGE, John managed a field operations and compliance team that oversaw the activities of more than 3,000 field agents spread across the United States. Under John's guidance, IMMERGE successfully launched, grew and managed one of the largest lifeline enrollment companies in the nation in a compliant-centric manner.

John also has worked extensively with companies and regulators to develop and execute growth strategies in other highly regulated industries including healthcare, energy and banking. This broad set of experience provides John with the skillset needed to manage both Excess and Insight toward a compliance-centric, customer focused path of sustainable, profitable growth.

**Andrew Whitelock (Chief Compliance Officer – Excess Telecom, Inc. and Insight Mobile, Inc.)**

Over the past 25 years, Andrew Whitelock has developed and led compliance and risk management programs in a variety of for-profit and non-profit companies. As Chief Compliance Officer, Andrew directs the activities of the company's compliance program, manages regulatory compliance and overseas risk management practices.

Andrew began his career contracting with medical providers and hospitals to build a comprehensive healthcare delivery network serving low-income and disadvantaged populations in Los Angeles. He joined L.A. Care Health Plan in 1998 and progressed from provider contracting to regulatory compliance, and then account executive managing two key corporate partnerships. In 2005, Andrew became the Director of Government Contracts with Molina Healthcare of California and was the Associate Vice President of Government Contracts when he departed in 2012 to become the Compliance Officer at SCAN Health Plan. Prior to joining Excess Telecom, Andrew was SCAN's Chief Risk Executive. Andrew has experience managing diverse teams with a wide scope of responsibilities. As the Chief Risk Executive at SCAN, he managed four departments with sixty-five staff members and an annual budget of \$11M.

Andrew has broad experience identifying and mitigating enterprise risks. He has worked extensively with state and federal regulators to manage monitoring and auditing activities; review proposed regulations and policies; and demonstrate compliance with program requirements. Proactively managing enterprise risks is core to Andrew's leadership role with both Excess Telecom and Insight Mobile.

Andrew is a graduate of the University of Southern California (“USC”) with Bachelor of Arts degrees in history and biological sciences. He also holds a Master of Science in international development and non-profit management from USC, and a Master of Business Administration from Pepperdine University.

**Ryan Moxom (Vice President, Operations – Excess Telecom, Inc. and Insight Mobile, Inc.)**

In his role as Vice President Operations, Ryan oversees all field operations for Excess Telecom and Insight Mobile, including agent training and onboarding, customer support and customer engagement programs.

Ryan’s telecommunications experience includes being a Program Manager at the Universal Service Administrative Company for the Lifeline program, managing Lifeline compliance matters for Verizon, and Director of Regulatory Compliance for StandUp Wireless, a Lifeline and Affordable Connectivity Program provider. In his most recent role, Ryan was a Lead Product Marketing Manager with AT&T Inc.

Ryan is a graduate of the University of Florida with a Bachelor of Arts degree in Economics. He also holds a Juris Doctor degree from the University of Georgia School of Law. Ryan has been a member of the Georgia Bar since 2014.

**Mary Beth Ottley (Chief Operating Officer – Excess Telecom, Inc. and Insight Mobile, Inc.)**

Over the past 20 years, Mary Beth Ottley has spearheaded finance and accounting, information technology, and operational teams towards embracing digital transformation and enhancing processes through system automations and data analytics. Serving as the Chief Operating Officer (COO), Mary Beth oversees the operations and information systems teams.

Mary Beth's professional journey commenced as a consultant, where she specialized in implementing software applications and data warehouses for law firms and other professional service entities. Transitioning into the Hospitality industry, she spent 15 years with a privately held management company. Throughout her tenure, Mary Beth progressively managed the Information Technology division, culminating in her role as Chief Financial Officer (CFO). Mary Beth has a Bachelor of Business Administration degree in Finance from the University of Georgia and a wealth of experience in implementing corporate applications and data analytics, Mary Beth brought a discerning, data-driven approach to the CFO role. As an executive leader her focus is on mentorship and enablement and has developed teams to manage with the same attention to problem solving and constant improvement. Her tenure was marked by a relentless pursuit of change and improvement in processes and people.

**EXHIBIT 2**

**Key Management Bios (Updated)**

## **OFFICER AND KEY MANGEMENT BIOS**

### **D. Sean McEwen (Chairman/CEO - KonaTel)**

Mr. McEwen founded KonaTel in 2014 as a Mobile Virtual Network Operator (MVNO) providing wireless voice and data services. Prior to creating KonaTel, from 2010 to 2013, he served as an executive management consultant to international MVNOs in the U.S., Peru, Croatia, Serbia and China, providing expertise in the areas of telecommunications technology procurement & deployment. From 2010 to 2011, Mr. McEwen also served as a founding board member of the exchange traded fund One Fund (NYSE: ONEF).

In early 1983, Mr. McEwen co-founded Online Data Corp, and through a series of acquisitions/mergers, the company eventually became TriTech Software Systems. From 1983 to 1990, TriTech developed enterprise software applications for numerous companies, including E. F. Hutton Life Insurance, Travel Lodge Hotels, Foodmaker (Jack in the Box restaurants), AT&T, and Visa's Plus Systems national ATM network. In 1990, TriTech evolved into an enterprise application and systems integration company specializing in telecommunications-oriented mission critical software solutions for public safety (Police, Fire, EMS). TriTech's flagship product, VisiCAD, was the world's first 9-1-1 emergency dispatching system based solely on Microsoft technology with integrated GPS based tracking and predictive routing technology.

In 1995, TriTech won Microsoft's Most Innovative Windows Application award, and in 1998, TriTech was named to the Inc. 500 as the 344th fastest growing privately-held company in the United States. Mr. McEwen served as Vice President of TriTech from 1983 to 1988, President from 1988 to 1996, Chairman/CEO from 1996 to 2000 and finally served as a member of the Board of Directors until successfully exiting the company when controlling interest was sold to Westview Capital Partners in 2006.

### **Chuck Griffin (President/COO KonaTel)**

Mr. Griffin brings more than 20 years of executive communications experience to the job and currently serves as President and Chief Operations Officer of KonaTel. Prior to joining KonaTel, he served as Chairman of the Board and Chief Executive Officer of Lingo Communications. Lingo successfully operates as a global provider of voice and data communications spanning residential, SMB, enterprise, and wholesale markets and servicing more than 250,000 customers worldwide.

Prior to Lingo communications, Mr. Griffin served as CEO for Impact Telecom. As CEO, he was instrumental in building Impact from a start-up company in four states to an international telecommunications facilities-based TDM and VoIP company with more than 25 billion voice minutes traversing its network worldwide. Using private equity investment, Impact grew to more than 400 employees and \$250M in revenue acquiring brands such as Excel, Matrix, AmericaTel, Startec, Vancouver Telecom, Touch 1, TNCI, PacWest, Unipoint and PacWest Telecom before successfully transacting for the sale of Impact with Lingo Communications in 2019.

Prior to Impact, Mr. Griffin held multiple executive leadership positions including CEO, Chief Operating Officer, VP of Business Development, VP of Sales in the telecom and data communications fields for companies such as ICG Communications, Idigi Wireless, @Link Networks, and iPath Communications. These opportunities spanned technologies such as ATM, MPLS, Ethernet over Copper (EoC), Point to Multi-Point fixed base wireless, Dedicated Internet Access (DIA), Class IV and Class V Voice over IP, and native SIP. A business development expert, Mr. Griffin has led organizations in many phases of growth including start-up, stacked acquisition, as well as restructuring and synergy efforts. Mr. Griffin graduated Summa Cum Laude in business communications from Metropolitan State University of Colorado. A lover of the outdoors, Mr. Griffin is a commercial pilot, alpinist, and lives in Colorado with his wife of over 32 years.

### **Brian Riffle (CFO)**

Mr. Riffle is a Certified Public Accountant with over 35 years of experience in various industries. He is the Managing Partner of a Certified Public Accounting firm and his industry experience has included retail, healthcare, financial services, cloud computing and telecommunications. He has also served as a master's level college accounting instructor since 1994.

Mr. Riffle holds certifications in several popular accounting system packages and cloud-based software applications, and he has implemented accounting systems and industry-specific operational software solutions for over 200 companies. He has served as KonaTel's corporate accountant since 2014 and CFO since becoming a publicly traded company in December 2017. Mr. Riffle earned a B.A. in Accounting from the University of Pittsburgh and became a Certified Public Accountant in 1987.

### **Todd Murcer (EVP Finance – KonaTel)**

Mr. Murcer serves as the Executive Vice President of Finance and the corporate Secretary for KonaTel.

Mr. Murcer previously served as Executive Vice President, FP&A and Treasury of Lingo Communications, a provider of IP-based Cloud voice and data solutions following its merger with Impact Telecom. At Lingo, Mr. Murcer had oversight of financial operations, planning, and implementing financial projections & reporting, as well as managing all banking activities/relationships for the U.S. and Canada.

Mr. Murcer has worked in the telecommunication industry for more than 20 years. He got his start with Matrix Telecom, Inc., a Platinum Equity portfolio company that ultimately divested to Impact. At Matrix, Mr. Murcer helped the company grow annual revenues from \$10 million to over \$400 million while serving in a variety of business development and financial roles as well as leading teams through multiple M&A transactions.

Mr. Murcer holds a Master of Science Management in Business Administration and Management from Boston University (Brussels, Belgium) and a Bachelor of Science in Economics from the University of Oklahoma.

**John Ripley (President - Excess Telecom, Inc. and Insight Mobile, Inc.)**

For the past 25 years John Ripley has worked with companies to build and execute high growth strategies that revolve around profitable, sustainable and efficient growth. As Excess Telecom's President, John oversees strategic execution while managing all customer operations, field operations, compliance, legal, corporate operations, finance and accounting. John will have the same role at Insight Mobile.

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Andrew began his career contracting with medical providers and hospitals to build a comprehensive healthcare delivery network serving low-income and disadvantaged populations in Los Angeles. He joined L.A. Care Health Plan in 1998 and progressed from provider contracting to regulatory compliance, and then account executive managing two key corporate partnerships. In 2005, Andrew became the Director of Government Contracts with Molina Healthcare of California and was the Associate Vice President of Government Contracts when he departed in 2012 to become the Compliance Officer at SCAN Health Plan. Prior to joining Excess Telecom, Andrew was SCAN's Chief Risk Executive. Andrew has experience managing



diverse teams with a wide scope of responsibilities. As the Chief Risk Executive at SCAN, he managed four departments with sixty-five staff members and an annual budget of \$11M.

Andrew has broad experience identifying and mitigating enterprise risks. He has worked extensively with state and federal regulators to manage monitoring and auditing activities; review proposed regulations and policies; and demonstrate compliance with program requirements. Proactively managing enterprise risks is core to Andrew's leadership role with both Excess Telecom and Insight Mobile.

Andrew is a graduate of the University of Southern California ("USC") with Bachelor of Arts degrees in history and biological sciences. He also holds a Master of Science in international development and non-profit management from USC, and a Master of Business Administration from Pepperdine University.

**Ryan Moxom (Vice President, Operations – Excess Telecom, Inc. and Insight Mobile, Inc.)**

Ryan Moxom is Excess Telecom's Vice President Operations. In this role, Ryan oversees all field operations for the company, including agent training and onboarding, customer support and customer engagement programs. Ryan will have the same role at Insight Mobile.

Ryan's telecommunications experience includes being a Program Manager at the Universal Service Administrative Company for the Lifeline program, managing Lifeline compliance matters for Verizon, and Director of Regulatory Compliance for StandUp Wireless, a Lifeline and Affordable Connectivity Program provider. In his most recent role, Ryan was a Lead Product Marketing Manager with AT&T Inc.

Ryan is a graduate of the University of Florida with a Bachelor of Arts degree in Economics. He also holds a Juris Doctor degree from the University of Georgia School of Law. Ryan has been a member of the Georgia Bar since 2014.

**Mary Beth Ottley (Chief Operating Officer – Excess Telecom, Inc. and Insight Mobile, Inc.)**

Over the past 20 years, Mary Beth Ottley has spearheaded finance and accounting, information technology, and operational teams towards embracing digital transformation and enhancing processes through system automations and data analytics. Serving as the Chief Operating Officer (COO) at Excess Telecom, Mary Beth oversees the operations and information systems teams. Mary Beth will have the same role at Insight Mobile.

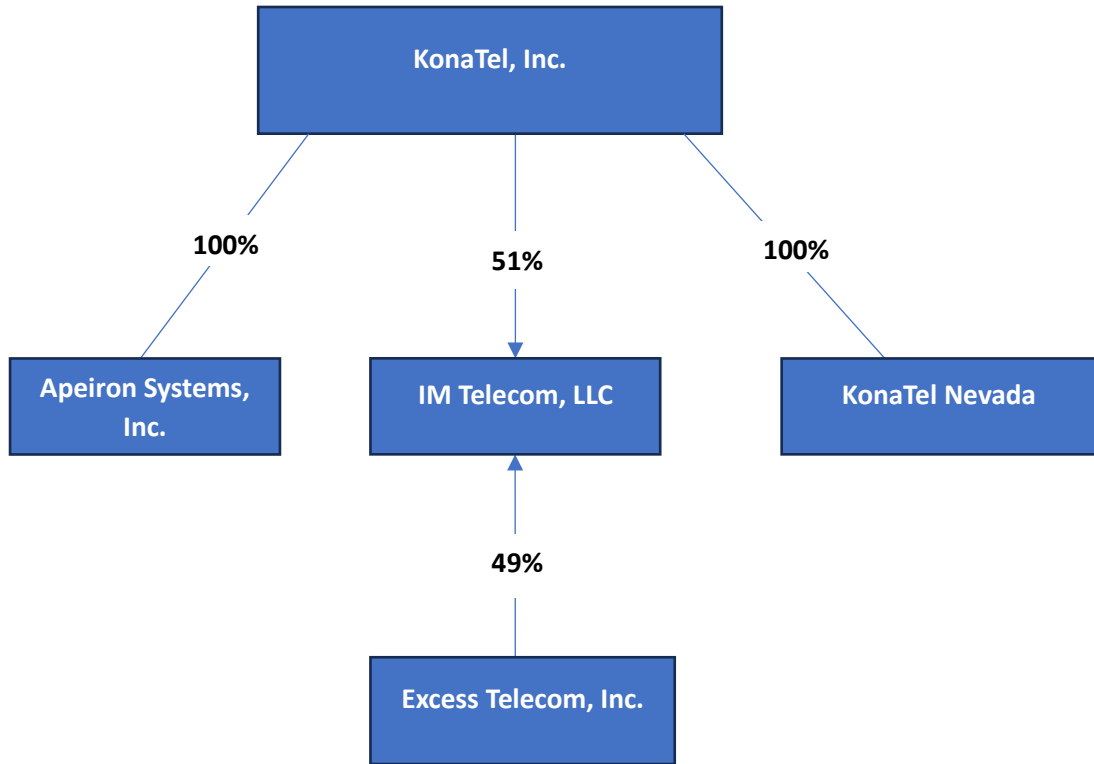
Mary Beth's professional journey commenced as a consultant, where she specialized in implementing software applications and data warehouses for law firms and other professional service entities. Transitioning into the Hospitality industry, she spent 15 years with a privately held management company. Throughout her tenure, Mary Beth progressively managed the Information Technology division, culminating in her role as Chief Financial Officer (CFO). Mary Beth has a Bachelor of Business Administration degree in Finance from the University of Georgia and a wealth of experience in implementing corporate applications and data analytics, Mary Beth brought a discerning, data-driven approach to the CFO role. As an executive leader

her focus is on mentorship and enablement and has developed teams to manage with the same attention to problem solving and constant improvement. Her tenure was marked by a relentless pursuit of change and improvement in processes and people.

## **EXHIBIT 3**

### **Organizational Chart (Updated)**

**STEP 1**



**STEP 2**

**(Post-Transaction)**

