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PUBLIC UTILITIES COMMISSION



January 31, 2011

VIA OVERNIGHT DELIVERY

Ms. Luly E. Massaro  
Commission Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

Re: Petition of Cintex Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Rhode Island for the Limited Purpose of Offering Wireless Lifeline and Link Up Service to Qualifying Households

Dear Ms. Massaro:

Enclosed please find for filing an original and nine copies of the Petition of Cintex Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Rhode Island for the Limited Purpose of Offering Wireless Lifeline and Link Up Service to Qualifying Households.

Please acknowledge receipt of this filing by returning, date-stamped, the extra copy of this cover letter in the enclosed envelope.

Should you have any questions regarding this filing, please contact the undersigned at (703) 517-9912.

Regards,

A handwritten signature in black ink that reads "Robert Felgar".

Robert Felgar  
General Counsel  
Cintex Wireless, LLC

Enclosures

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Before the  
Rhode Island Public Utilities Commission

2011 FEB -1 PM 12: 54  
PUBLIC UTILITIES COMMISSION

\_\_\_\_\_  
In the Matter of )  
 )  
Petition of Cintex Wireless, LLC )  
For Designation as an Eligible Telecommunications )  
Carrier in the State of Rhode Island for the Limited )  
Purpose of Offering Lifeline and Link Up Service )  
To Qualifying Households )  
 )  
\_\_\_\_\_

Docket No. \_\_\_\_\_

**PETITION OF CINTEX WIRELESS, LLC FOR  
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER IN THE STATE OF RHODE ISLAND FOR THE LIMITED PURPOSE OF  
OFFERING WIRELESS LIFELINE AND LINK UP SERVICE TO  
QUALIFYING HOUSEHOLDS**

Cintex Wireless, LLC ("Cintex"), by its undersigned counsel, hereby petitions the Rhode Island Public Utilities Commission (the "Commission") for designation as an eligible telecommunications carrier ("ETC") pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"),<sup>1</sup> Section 54.201 *et seq.* of the rules of the Federal Communications Commission ("FCC"),<sup>2</sup> and the Commission's ETC Rules. Cintex seeks designation as an ETC only to participate in the Lifeline and Link Up programs. Cintex will not seek funds from the Universal Service Fund to provide service to high-cost areas.

Cintex satisfies all of the statutory and regulatory requirements for designation as an ETC. Moreover, Cintex's Petition is similar to that of TracFone Wireless, Inc. ("TracFone").<sup>3</sup> One important distinction, however, is that Cintex is providing the services supported by the

<sup>1</sup> 47 U.S.C. § 214(e)(6).

<sup>2</sup> 47 C.F.R. §§ 54.201 *et seq.*

<sup>3</sup> *In Re : Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Rhode Island for the Limited Purpose of offering Lifeline Service to Qualified Households*, Order, 2010 R.I. PUC LEXIS 24, Docket No. 4153 (September 14, 2010) ("TracFone Order").

Universal Service Fund through a combination of its own facilities and resale, while TracFone relies exclusively on resale. Cintex has an agreement in place with the Sprint-Nextel Corporation (“Sprint-Nextel”) that allows it to obtain the resold services that it needs to supplement the services provided through Cintex’s owned facilities.

Since Cintex satisfies the statutory and regulatory requirements for designation as an ETC, and since this petition is similar to that of TracFone, Cintex respectfully requests the Commission to grant this petition as soon as possible so that Rhode Island consumers can benefit from Cintex’s Lifeline offering as quickly as possible.<sup>4</sup>

## **I. ABOUT CINTEX**

Cintex is a Delaware limited liability company formed on January 29th, 2007. The company is in the process of qualifying to do business in Rhode Island. Cintex currently provides commercial mobile radio services (“CMRS”) to several thousand subscribers throughout the domestic United States Sprint-Nextel wireless service territory, primarily under the “Movida” and “Liberty” brands.

As discussed above, Cintex obtains service from Sprint-Nextel. The agreement with Sprint-Nextel enables Cintex to offer service wherever Sprint-Nextel offers service. Cintex intends to grow significantly in the coming years by offering competitive rate plans and excellent service to its target market of low income consumers who primarily live in the inner cities.

Cintex’s marketing and distribution model is focused directly towards low-income communities and neighborhoods. Cintex will sell its phones and services through inner-city retailers, grocery stores, convenient stores, hair salons, clothing stores, and the like. Most of the people in the communities in which Cintex will market its services, do not shop at “Big-Box”

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<sup>4</sup> Cintex has not yet been designated an ETC in any state, although it has a petition for designation as an ETC pending in the State of New Jersey.

retail stores or on-line as they do not have access. Additionally, Cintex will provide airtime terminals at these locations for its customers to purchase additional minutes for their phone plans. Cintex's "main street" approach and "grass-roots" sales and distribution network reaches low-income communities in the states that it serves. While Cintex will not confine its service offerings to the inner-cities, its focus on this market segment is directly relevant to its request for designation as an ETC to be able to participate in the Lifeline program. By providing service to this market segment, Cintex will ensure that many Americans who cannot afford or access the services provided by other wireless providers can still enjoy the benefits of wireless telecommunications.

Cintex will provide its customers prepaid services. It does not require customers to sign long-term contracts nor does it impose early termination fees. Cintex will also provide a wide choice of handsets.

Cintex is not currently registered as a CMRS provider in Rhode Island and does not market on Rhode Island. Cintex will register within the coming weeks.

## **II. THE COMMISSION HAS JURISDICTION TO DESIGNATE CINTEX AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"), the Commission has the jurisdiction to designate telecommunications carriers as ETCs.<sup>5</sup> The Act provides that "[a] State Commission *shall* upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier." (emphasis added). Further, Section I of the Commission's ETC Rules explicitly acknowledges such jurisdiction. The Section I provides that "[t]he Act imposed

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<sup>5</sup> 47 U.S.C. § 214(e)(2).

new statutory responsibilities upon the Rhode Island Public Utilities Commission . . . including the responsibility to certify telecommunications service providers as ‘eligible’ to receive funds from . . . certain Low Income Programs . . .”

The Commission exercised its jurisdiction when it designated TracFone an ETC.<sup>6</sup> The Commission has the authority to do the same with respect to Cintex.

### III. CINTEX’S LIFELINE AND LINK UP OFFERING

Cintex will offer its Lifeline service through its own facilities and through the resale agreement with Sprint-Nextel. *Cintex will offer each eligible customer 90 free anytime local and long distance minutes per month. This free offering compares favorably with TracFone, which offers 68 free minutes per month.* Unused minutes will roll over from month-to-month. Cintex will not charge a monthly recurring fee; the service will be strictly a pay-as-you-go service.

In the event that a customer uses all of his minutes, the customer may purchase additional airtime minutes in accordance with the following:

<b>Airtime Card Face Value</b>	<b>Standard Minutes</b>	<b>Bonus Minutes</b>	<b>Total Minutes</b>	<b>Actual Cost Per Minute</b>
\$3.00	20	0	20	\$0.15
\$5.00	33	0	33	\$0.15
\$10.00	67	0	67	\$0.15
\$20.00	133	367	500	\$0.04

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<sup>6</sup> *TracFone Order.*

Again, the cost per minute associated with these buckets compares favorably with the rates offered by TracFone and approved by the Commission. TracFone offers additional airtime minutes for \$0.20 per minute. Accordingly, approving Cintex's petition will significantly benefit Rhode Island consumers.<sup>7</sup>

Airtime cards will be available at various retail outlets frequented by low income consumers; airtime minutes may also be purchased by calling Cintex's customer service number or online.

Wireless handsets will be provided to qualifying Lifeline customers free of charge. The service will include caller ID, call waiting, call forwarding, 3-way calling and voicemail. Subscribers will be able to place emergency calls even if they have consumed all of their airtime.

Cintex also seeks Link-Up support for its customers. Link Up support offers customers "[a] reduction in the carrier's customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence. The reduction shall be half of the customary charge or \$30.00, whichever is less."<sup>8</sup> Cintex will charge a customary charge for commencing telecommunications service of \$70.00. Cintex will recover \$30.00 of this activation fee through disbursements from USAC. Consistent with FCC Rule 54.411(a)(2), the balance will be recovered from subscribers via a deferred payment schedule of twelve months.<sup>9</sup> Cintex will not assess interest on the deferred payments.

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<sup>7</sup> The free minutes and rates discussed herein will constitute Cintex's initial Lifeline and Link-Up offering. Cintex, however, requires flexibility to modify its Lifeline and Link-Up offering in response to market conditions and competitive pressures.

<sup>8</sup> 47 C.F.R. § 54.411(a)(1).

<sup>9</sup> 47 C.F.R. § 54.411(a)(2).

#### **IV. CINTEX REQUESTS DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE GEOGRAPHIC AREA SERVED BY ITS UNDERLYING CARRIER IN THE STATE OF RHODE ISLAND**

Rhode Island includes only non-rural service areas. For non-rural service areas, there are no restrictions on how a state commission defines the service area for purposes of designating a competitive ETC. The carrier must describe the geographic areas within which it requests designation.<sup>10</sup> Accordingly, Cintex requests designation as an ETC within the geographic area served by its underlying carrier in the state of Rhode Island.

#### **V. CINTEX WILL PROVIDE THE NINE SUPPORTED SERVICES**

In order to be designated an ETC, a carrier must offer all of the services “supported by the universal service support mechanisms”<sup>11</sup> which are enumerated in Section § 54.101(a) of the FCC’s rules. Cintex provides each of the enumerated services, other than toll limitation, which Cintex is not required to provide for reasons discussed below. Each of the supported services is discussed in turn.

##### **1. Voice Grade Access to the Public Switched Network.**

Voice grade access to the public switched telecommunications network (“PSTN”) means the ability to make and receive traditional voice phone calls between the approximately 500 Hertz and 4,000 Hertz for a bandwidth of approximately 3500 Hertz.<sup>12</sup> The voice grade access provided by Cintex enables a user of telecommunications services to transmit voice

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<sup>10</sup> Public Notice – Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, FCC 97-419, 12 FCC Rcd 22947 (1997).

<sup>11</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>12</sup> See Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Rcd 8776, 8810-11 (1997) (“USF Order”).

communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving signals indicating there is an incoming call.

## 2. Local Usage.

As part of the voice grade access to the PSTN, an ETC must provide local calling. Cintex provides subscribers the ability to send and receive local phone calls wherever it provides service. Moreover, local usage is in all of Cintex's calling plans, including those plans which will comprise Lifeline offerings. FCC Rule 54.202(a)(4) requires an ETC applicant to "demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation."<sup>13</sup> The FCC has explained that an ETC applicant's local usage plans should be reviewed on a case-by-case basis to ensure that each ETC provides a local usage component in its universal service offering that is comparable to the plan offered by the incumbent LEC in the area.<sup>14</sup> The FCC has not adopted any minimum local usage requirements.<sup>15</sup> As a designated ETC, Cintex will comply with any minimum local usage requirements adopted by the FCC. Most importantly, as described in section III above, Cintex's Lifeline offerings will go beyond those of other ETCs in a very important respect. Cintex's Lifeline customers will receive as part of their Lifeline service, specified amounts of *free* wireless service. That is, Lifeline customers will be able to use Cintex's service to initiate and receive specified amounts of wireless calling – local and long distance – with no charge to the customers.

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<sup>13</sup> 47 C.F.R. § 54.202(a)(4).

<sup>14</sup> Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371 (2005).

<sup>15</sup> Id. ¶ 32.



### **3. Dual Tone Multi-Frequency (“DTMF”) Signaling or Its Functional Equivalent.**

DTMF signaling allows carriers to provide expeditious call set-up and call detail information and enables modem usage.<sup>16</sup> The FCC permits carriers to provide signaling that is functionally equivalent to DTMF to satisfy the DTMF requirement. All telephone handsets provided by Cintex are DTMF-capable.

### **4. Single-party Service or Its Functional Equivalent.**

Single-party service means that only one party will be served by a subscriber line or access for the duration of every phone call. Cintex does not provide “multi-party” or “party line” services.

### **5. Access to 911 and E911 Emergency Service.**

The FCC has declared that access to emergency services is essential.<sup>17</sup> Cintex provides universal access to the 911 system for its customers. Cintex offers enhanced 911 (“E911”) services wherever such services are offered by Sprint-Nextel. In particular, Cintex will comply fully with the FCC’s E911 requirement applicable to wireless resellers.<sup>18</sup> Pursuant to the FCC’s E911 Order, providers that use other carriers’ facilities to provide wireless voice service to customers have an obligation to comply with the FCC’s E911 rules “to the extent that the

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<sup>16</sup> USF Order, 12 FCC Rcd at 8814.

<sup>17</sup> Id. at 8815.

<sup>18</sup> See Revision of the Commission’s Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems, Report and Order and Second Further Notice of proposed Rulemaking, 18 FCC Rcd 25340 (2003) (“E911 Order”).

underlying facilities-based licensee has deployed the facilities necessary to deliver enhanced 911 information to the appropriate PSAP [public service answering point].”<sup>19</sup>

Further, all handsets provided by Cintex will be E911 compliant and Cintex will allow subscribers to place 911 calls even when they have depleted their airtime minutes.

#### **6. Access to Operator Services.**

Cintex offers all of its customers access to operator services, in part through its own facilities. This is explained further in section VIII below.

#### **7. Access to Interexchange Service.**

Cintex customers can use Cintex services to complete toll calls. In fact, Cintex does not impose separate charges for interexchange calls. Long distance calling is included in Cintex service with no additional charge.

#### **8. Access to Directory Assistance.**

All Cintex customers receive access to directory assistance service in part through Cintex’s own facilities. This is explained further in section VIII below.

In addition, Cintex will offer its customers directory assistance at no charge. Specifically, calls to directory assistance will consume airtime, like any other call, however Cintex will not assess any additional surcharge for such calls, as is customary in the industry.

#### **9. Toll Limitation for Qualified Low-Income Customers.**

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<sup>19</sup> Id. ¶ 91.

There is no need for Cintex to offer a toll limitation feature to qualifying low-income customers. Since Cintex’s service is a prepaid service, no customers will be disconnected for failure to pay toll charges or, for that matter, any other charges. Inasmuch as all Cintex services are prepaid there is no danger that low income customers will incur large charges for heavy toll (or other) calling and no risk that they will be disconnected for nonpayment. Since customers pay for the service in advance – they can use only what they already have paid for or what service quantities have been provided to them under the Lifeline program. Thus, Cintex’s prepaid services are especially beneficial to lower income users since the consumers’ enjoy the ability to control or limit their charges for toll services (as well as local service) in a manner that customers of traditional post-paid do not.

Significantly, TracFone informed the Commission in its petition that it would not provide toll-limitation service, and the Commission nevertheless granted the Petition.

## **VI. CINTEX WILL ADVERTISE THE AVAILABILITY OF THE SUPPORTED SERVICES**

Section 54.201(d)(2) of the FCC’s rules provide that an ETC must “[a]dvertise the availability of such services and the charges therefore using media of general distribution.”<sup>20</sup> Further, a carrier offering Lifeline must “[p]ublicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.”<sup>21</sup> Similarly, a carrier must “publicize the availability of Link Up support in a manner reasonably designed to reach those likely to qualify for the support.”<sup>22</sup>

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<sup>20</sup> 47 CFR § 54.201(d)(2).

<sup>21</sup> 47 CFR § 54.405(b).

<sup>22</sup> 47 CFR § 54.411(d).

Cintex will advertise its Lifeline and Link Up offering in traditional media such as television, radio and print. The advertisements will be placed on programming and in newspapers that target low income audiences. Cintex will also make potential customers aware of its service through direct mail. Direct mail advertising will be targeted towards low income consumers.

To the extent that certain advertisements are targeted towards Hispanics, Cintex will advertise in Spanish. Cintex will also place informational material in independently-owned stores, such as convenience stores, cell phone stores and short-term loan locations.

## **VII. CINTEX SATISFIES ALL ADDITIONAL REQUIREMENTS FOR DESIGNATION AS AN ETC**

In addition to providing the supported services discussed in section V above, Cintex satisfies the FCC's remaining requirements for designation as an ETC. These additional requirements are discussed below.

### **A. Cintex Will Offer Service to Requesting Customers Within a Reasonable Time**

Cintex offers service through a combination of its own facilities and the facilities of Sprint-Nextel. The network is operational and Cintex will be able to activate customers "on a timely basis" as required by Section 54.202(a)(1) of the FCC's rules.<sup>23</sup> Moreover, Cintex will be in a position to offer its Lifeline service quickly after the Commission approves this petition.

### **B. Cintex Can Remain Functional in Emergency Situations**

Section 54.202(a)(2) of the FCC's rules requires that a carrier seeking to be designated an ETC demonstrate that it has the ability to remain functional in emergency situations.<sup>24</sup> Cintex

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<sup>23</sup> 47 C.F.R. § 54.202(a)(1).

<sup>24</sup> 47 C.F.R. § 54.202(a)(2).

has the same ability to remain functional in emergency situations as Sprint-Nextel, its underlying provider.

**C. Cintex will Satisfy Consumer Protection and Service Quality Standards**

A carrier requesting designation as an ETC must “demonstrate that it will satisfy applicable consumer protection and service quality standards.”<sup>25</sup> This requirement is satisfied by a wireless applicant if it commits to “comply[ing] with the Cellular Telecommunications and Internet Association’s Consumer Code of Wireless Service.”<sup>26</sup> Cintex will comply with the Consumer Code.

**D. Cintex Offers a Local Usage Plan Comparable to Those Offered by the Incumbent Local Exchange Carrier**

A carrier applying for ETC status must “[d]emonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service area for which it seeks designation.”<sup>27</sup> By approving the Lifeline service offerings of TracFone, which are very similar to the Lifeline service offering proposed by Cintex, the Board has already implicitly concluded that Cintex’s Lifeline service offering satisfies this requirement.

**E. Cintex Will Provide Equal Access**

As required by FCC rule 54.202(a)(5), Cintex will “provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.”<sup>28</sup>

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<sup>25</sup> 47 C.F.R. § 54.202(a)(3).

<sup>26</sup> Id.

<sup>27</sup> 47 C.F.R. § 54.202(a)(ii)(4).

<sup>28</sup> 47 C.F.R. § 54.202(a)(5).

**F. Cintex Will Comply With the Lifeline and Link Up Certification and Verification Requirements of the Commission’s ETC Rules**

Since the Commission mandates Lifeline and Link-Up support, Cintex must comply with the Commission’s rules regarding certification of initial eligibility and the verification of continued eligibility. Accordingly, Cintex will follow Sections V and VI of the Commission’s ETC Rules. For example, Cintex will work with the Department of Human Services or the Department of Administration, Division of Planning to certify subscriber eligibility for Lifeline and Link-Up support.

**VIII. CİNTEX WILL PROVIDE THE SUPPORTED SERVICES OVER A COMBINATION OF ITS OWN FACILITIES AND RESALE OF ANOTHER CARRIER’S SERVICES**

As required by the Communications Act and FCC rules, Cintex will provide certain services supported by the universal service support mechanisms using a combination of its own facilities and the facilities of Sprint-Nextel.<sup>29</sup> In particular, Cintex will provide access to directory assistance and access to operator services in part over its own facilities. Thus, Cintex will use its own facilities to provide two of the supported services.

The FCC’s rules define “facilities” as “any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part.”<sup>30</sup> Cintex uses its own physical components to route 411 and operator services calls. These calls will be routed by Cintex to either its own call center or to a vendor that will provide 411 and operator services.

The FCC has been clear that a carrier does not have to use its own facilities to provide all of the supported services in order to be designated an ETC. The FCC explained that “if a carrier

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<sup>29</sup> 47 USC § 214(e)(1)(A), 47 C.F.R. § 54.201(d)(1) (an ETC must offer the supported services “using its own facilities or a combination of its own facilities and resale.”)

<sup>30</sup> 47 C.F.R. § 54.201(e).

uses its own facilities to provide at least one of the designated services, and the carrier otherwise meets the definition of “facilities” adopted here, then the facilities requirement of Section 214(e) is satisfied.”<sup>31</sup>

Significantly, Nexus Communications, Inc. has been offering Lifeline and Link Up service to wireless subscribers in more than one dozen states on the grounds that it satisfies the facilities requirement of Section 214(e) by providing 411 and operator services through a combination of its own facilities and resale.<sup>32</sup>

Further, Section 214(e)(1)(A) of the Act makes it clear that a carrier is eligible to become an ETC if it provides the supported service(s) via a “combination” of its own facilities and resale.<sup>33</sup> Cintex is not required to provide 411 and operator services exclusively through its own facilities. Thus, by owning physical components that route 411 and operator services calls, Cintex satisfies the statutory requirement mandating that ETCs provide service “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”<sup>34</sup>

#### **IX. CINTEX WILL CHARGE AND REMITT E911 CHARGES TO THE DIVISION OF TAXATION**

Cintex acknowledges that the Prepaid Wireless E911 Charge Act (the “E911 Charge Act”)<sup>35</sup> obligates Cintex to collect E911 charges from its customers. As required by the E911 Charge Act, Cintex will assess its customers an E911 charge and will remit the collected charges to the Division of Taxation.

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<sup>31</sup> USF Order, 12 FCC Rcd at 8870-71.

<sup>32</sup> See e.g., In the Matter of a Petition by Nexus Communications, Inc. d/b/a TSI for Designation as an Eligible Telecommunications Carrier in the State of New Jersey for the Limited Purpose of Offering Lifeline and Link-Up Services to Qualified Households, Opinion, 2010 N.J. PUC LEXIS 54, Docket No. TO09040331 (April 28, 2010).

<sup>33</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>34</sup> 47 U.S.C. § 214(e)(1).

<sup>35</sup> H 2009-7397Aaa.

## **X. DESIGNATING CINTEX AN ETC IS IN THE PUBLIC'S INTEREST**

### **A. Designating Cintex an ETC Will Create Greater Competition and Choice for Rhode Island Consumers**

Cintex's Lifeline offering will provide low income Rhode Island consumers with increased competitive choice and the benefits of Cintex's unique Lifeline service. As discussed in section III above, Cintex intends to offer Rhode Island consumers a greater number of free minutes and less expensive additional minutes (i.e., minutes purchased after the customer has used all of his or her free minutes) than other pre-paid wireless ETCs in Rhode Island. Cintex's emphasis on providing Rhode Island consumers with additional minutes at low cost is exemplified by its \$20.00 airtime card, which provides 500 minutes at an effective cost of \$0.04 per minute. Low income consumers will benefit significantly from Cintex's low cost service. Further, in response to Cintex's Lifeline offering, other carriers that provide Lifeline service will have an incentive to improve their Lifeline service offerings.

### **B. Cintex Will Satisfy Consumer Privacy Rules**

Cintex will satisfy all federal and state laws and regulations regarding the protection of customer proprietary network information ("CPNI") and consumer information generally. In accordance with Section 64.2009(e) of the FCC's rules, Cintex will certify annually with the FCC, its compliance with the FCC's rules addressing CPNI.<sup>36</sup>

### **C. Cintex will Take Significant Measures to Minimize Waste and Fraud**

Cintex will adopt practices and procedures designed to avoid waste and fraud. These include the following:

#### **1. Certification and Verification.**

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<sup>36</sup> 47 C.F.R. § 64.2009(e).



Cintex will work with the Department of Human Services and the Department of Administration, Division of Planning to certify subscriber eligibility for the Lifeline and Link-Up programs.<sup>37</sup> This will ensure that subscribers benefitting from the subsidy are truly eligible.

Further, Cintex will follow the Verification of Continued Eligibility requirements of Section VI of the Commission's ETC Rules. In particular, Cintex intends to work with the Department of Human Services and the Department of Administration, Division of Planning to verify annually that subscribers continue to be eligible for the Lifeline program.

## **2. Track Customer's Primary Address.**

Cintex will track each Lifeline customer's primary address to ensure that Cintex does not enroll multiple persons living at the same address into the Lifeline program.

## **3. Universal Service Funds will Flow Through to Customers.**

One hundred percent of federal universal service funds will flow through directly to customers.

## **4. Cintex Advertising.**

All Cintex advertising will be unambiguous, informative and consistent with applicable federal and state consumer protection statutes.

## **5. Customer Complaints**

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<sup>37</sup> Section V, Commission ETC Rules.

Cintex will track and analyze the nature of customer complaints and will make adjustments to its Lifeline program, if necessary. Cintex will also dedicate sufficient resources to reach a satisfactory resolution of customer complaints within a reasonable period of time.

#### **6. Live Customer Assistance.**

Cintex will provide live customer service to its Lifeline customers. The customer service number is 877-304-9183. This will help Cintex detect problems, if any, with its Lifeline offering.

#### **7. Minimal Impact on the Universal Service Fund.**

Designating Cintex as an ETC will have minimal impact on the Universal Service Fund. Cintex seeks designation as an ETC for participation in the Lifeline and Link Up program only; it does not seek access to funds for the purpose of providing service to high-cost areas. Low income support accounts for a relatively small percentage of funds distributed by USAC. Further, the FCC concluded that “[a]ny increase in the size of the fund would be minimal and would be outweighed by the benefit of increasing eligible participation in the Lifeline program, furthering the statutory goal of providing access to low-income consumers.”<sup>38</sup> The fact that the Commission designated TracFone an ETC, demonstrates that the Commission’s position with respect to the benefits and costs of designating a carrier an ETC for the purpose of participating in the Lifeline and Link Up programs, is consistent with that of the FCC.

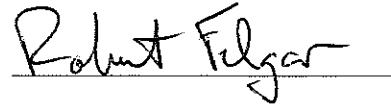
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<sup>38</sup> Petition of TracFone Wireless, Inc. for Forbearance from 47 USC § 214(e)(1)(A) and 47 CFR § 54.201(i), 20 FCC Rcd 15095, ¶ 17 (2005).

**XI. CONCLUSION**

Based on the foregoing, Cintex has demonstrated that it is eligible to be designated an ETC. Cintex respectfully requests that the Commission grant this petition expeditiously.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert Felgar", is written over a horizontal line.

Robert Felgar  
General Counsel  
Cintex Wireless, LLC  
11910 Parklawn, Suite U  
Rockville, MD 20852  
(301) 363-4306

Counsel for Cintex Wireless, LLC

January 31, 2011

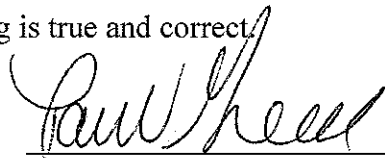
DECLARATION OF CINTEX WIRELESS, LLC

I, Paul Greene, verify the foregoing petition as follows:

1. I am employed as managing member of Cintex Wireless, LLC (“Cintex”) and am authorized to sign this Declaration on Cintex’s behalf.

2. I have read the Cintex Petition for Designation as an Eligible Telecommunications Carrier in the State of Rhode Island for the Limited Purpose of Offering Wireless Lifeline and Link Up Service to Qualifying Households and verify that the facts contained therein are true to the best of my knowledge, and the opinions contained therein are correct to the best of my belief.

I certify under penalty of perjury that the foregoing is true and correct.



Paul Greene

Dated: January 31 2011