HWG LLP
1919 M STREET NW
WASHINGTON, DC 20036
TEL: +1 202 730 1300 | HWGLAW.COM

December 13, 2024

VIA ELECTRONIC DELIVERY

Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, GA 30334

Re: TAG Mobility, LLC d/b/a TAG Mobile ("TAG Mobile") Petition for Designation as an Eligible Telecommunications Carrier in the State of Georgia

Dear Secretary Tanner:

TAG Mobility, LLC d/b/a TAG Mobile ("TAG Mobile") hereby submits the attached Petition for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Georgia.

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

Respectfully submitted,

/s/ H. Henry Shi
H. Henry Shi
HWG LLP
1919 M Street NW, Suite 800
Washington, DC 20036
(202) 730-1320
hshi@hwglaw.com
Counsel for TAG Mobility, LLC

Before the
GEORGIA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	
TAG Mobility, LLC d/b/a TAG Mobile for Designation as an Eligible Telecommunications Carrier	)	Docket No. _____

APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

TAG Mobility, LLC d/b/a TAG Mobile ("TAG Mobile" or the "Company") respectfully submits this Application ("Application") pursuant to Section 214(e) of the federal Communications Act of 1934, as amended (the "Communications Act") and Sections 54.201, 54.202, and Subpart E of the Rules of the Federal Communications Commission ("FCC"), 47 C.F.R. §§ 54.201-202, 54.401 *et seq.,* and to the regulations of the Georgia Public Service Commission (the "Commission") designate TAG Mobile as an Eligible Telecommunications Carrier ("ETC") in the service territories (the "Service Area") described in Exhibit A for the purpose of receiving federal Lifeline universal service support as a Mobile Virtual Network Operator ("MVNO") providing commercial mobile radio service (voice and broadband Internet access) utilizing facilities of an underlying wireless carrier. TAG Mobile does not seek designation as an ETC to receive any form of rural, insular, and high-cost area support. In further support of its Application, TAG Mobile states as follows:

I. DESCRIPTION OF APPLICANT

TAG Mobility, LLC is a Texas limited liability company. Copies of the Company's certificate of formation and of its registration as a foreign LLC in Georgia are attached hereto as Exhibit B. TAG Mobility, LLC was created in connection with the bankruptcy reorganization of

its predecessor entity, TAG Mobile, LLC.[1] As part of that reorganization, TAG Mobile, LLC's assets were divided between two newly created entities, both of which were acquired indirectly by Mr. Henry Hung Do.[2] One of these entities, TAG Mobile Bankruptcy Sale Entity, LLC ("TAG Bankruptcy"), held the assets, including ETC designations, for all of the states served by TAG Mobile, LLC except Texas. TAG Bankruptcy was acquired by Softel Holdings, LLC (which in turn is wholly owned by Mr. Do), and became TAG Mobility, LLC upon emergence from bankruptcy. A structure chart of the Company's ownership is attached as Exhibit C.

The designated contact information for TAG Mobile is as follows:

John T. Nakahata Henry Shi HWG LLP 1919 M Street NW, Suite 800 Washington, DC 20036 (202) 730-1348 jnakahata@hwglaw.com hshi@hwglaw.com	with copy to: Henry Hung Do TAG Mobility, LLC 9920 Brooklet Dr. Houston, Texas 77099

TAG Mobile currently holds ETC status and provides mobile wireless services under the Lifeline program in the following states: Arizona, Arkansas, California, Colorado, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, Oklahoma, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin. TAG Mobile is proposing to provide its service in Georgia and is concurrently submitting or planning to submit applications for ETC designations in additional states. TAG Mobile is an MVNO that utilizes AT&T's wireless network as its underlying provider.

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[1] *See In re Tag Mobile, LLC*, No. 17-33791-sgj7-11, Doc. 511, Order Granting Motion to Sell Substantially All of the Debtor's Assets Free and Clear and Liens, Claims, and Encumbrances (Bankr, N.D. Tex. Mar. 29, 2023).

[2] Mr. Do acquired the regulated assets, but not the liabilities that had been accumulated by these entities. *See id.* at 7 ("The transfer of the Regulated Assets from the Debtor to the Existing TAG Subsidiary and the Texas TAG Subsidiary free and clear of all Claims is approved an authorized . . . . Any claims against the Regulated Assets, membership Interests, or the Unregulated Assets shall attach to the proceeds of the sale . . . .").

II. TAG MOBILE SATISFIES THE COMMISSION'S AND FCC'S REQUIREMENTS FOR ETC DESIGNATION

A. Legal Standard

Section 214(e)(2) of the Communications Act, as amended, provides state public utility commissions with the "primary responsibility" for the designation of ETCs.[3] Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier ETC if the carrier satisfies the requirements of Section 214(e)(l).[4] Designation of TAG Mobile as an ETC providing Lifeline service would be consistent with the Commission's prior decisions designating wireless resellers as ETCs.[5]

Section 254(e) of Act provides that "only an eligible telecommunications carrier designated under section 214(e) of this title shall be eligible to receive specific Federal Universal Service support."[6] Section 214(e)(1) and (2) of the Act require state commissions to designate as an ETC, throughout the service area for which ETC status is sought, any common carrier that (i) offers services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier's facilities, and (ii) advertises the availability of such services and the charges using media of general distribution.[7] The FCC has granted forbearance from the requirement for facilities or partial facilities-based service for carriers, such as MVNOs that are, or seek to become, Lifeline-only ETCs through resale of an underlying carrier's services, subject to the following conditions:

1. the carrier must comply with certain 911 requirements [(a) providing its Lifeline

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3 *See* 47 U.S.C. § 214(e)(2).

4 *See id.* § 214(e)(1).

5 *See, e.g.*, *Petition of AirVoice Wireless, LLC d/b/a AirTalk Wireless for Designation as an Eligible Telecommunications Carrier*, Order, Docket No. 44386 (Ga. P.S.C. June 10, 2022).

6 *See* 47 U.S.C. § 254(e).

7 *See also* 47 C.F.R. § 54.201(d).

subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions of (a) and (b) starting on the effective date of this Order]; and

2. the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.[8]

As it does in the states in which it is currently an ETC, TAG Mobile proposes to offer its Lifeline services through resale, and thus will meet the 911 requirements through the service purchased from its underlying carrier. TAG Mobile also has obtained an FCC-approved compliance plan, which is attached hereto as Exhibit D.

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

Section 214(e)(2) of the Act provides that ETC designation shall be made of a "service area" designated by the state commission.[10] Section 214(e)(5) of the Act provides that the "service area" shall be a "geographic area established by the State commission." TAG Mobile's proposed Service Area in which to provide Lifeline-supported services is described in Exhibit A. To the extent that the proposed Service Area includes rural areas, the Commission may apply the same public interest analysis as for non-rural areas and need not apply a "cream skimming"

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8 *See Lifeline and Link Up Reform and Modernization*, *Lifeline and Link Up Reform and Modernization*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd. 6656, 6813 ¶ 368 (2012).

9 *See* 47 U.S.C. § 214(e)(1)(B).

10 *See id.* § 214(e)(2).

analysis as TAG Mobile is seeking ETC designation solely for the Lifeline program.[11]

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

B. TAG Mobile Meets the Legal Standard for ETC Designation Under the Act and FCC Regulations

TAG Mobile meets the applicable legal requirements under the Act and the FCC's Lifeline regulations for designation as an ETC.

1. TAG Mobile Is a Common Carrier Under the Act

TAG Mobile will operate as a common carrier as defined in 47 U.S.C. § 153(10) and thus is eligible for designation as an ETC. TAG Mobile is a commercial mobile radio service ("CMRS") provider, and Section 332(c)(l)(A) of the Act states that CMRS providers will be regulated as common carriers.[13]

2. TAG Mobile Qualifies for the FCC's Forbearance from the Facilities Requirement

TAG Mobile will provide services consistent with the FCC's forbearance from Section 214(e)(2)'s own-facilities requirements. Specifically, TAG Mobile will provide access to

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[11] *See Virgin Mobile USA, L.P.*, Order, 24 FCC Rcd 3381, ¶ 39 n. 101 (2009).

[12] *See* 47 C.F.R. § 54.202.

[13] 47 U.S.C. § 332(c)(1)(A).

emergency services, such as 911 and enhanced 911 ("E911") calling, regardless of activation status and availability of minutes. Moreover, all of the phones that TAG Mobile distributes are capable of delivering automatic numbering information ("ANI") and automatic location information ("ALI") as supported by its underlying carrier, AT&T. TAG Mobile has also filed a Compliance Plan with the FCC, which the FCC approved on September 21, 2023.[14] A copy of the Company's current FCC-approved Compliance Plan is attached hereto as Exhibit D. TAG Mobile commits to providing Lifeline service in Georgia in accordance with its FCC-approved Compliance Plan and in compliance with applicable state and federal regulations, to the extent amendments thereto may supersede commitments made in the Compliance Plan.

3. TAG Mobile Will Meet the Advertising Requirements

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

4. TAG Mobile's Voice Service Qualifies for Universal Service Support Under the FCC's Rules

TAG Mobile's voice service qualifies for Lifeline support under Section 54.401 of the

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[14] *See Wireline Competition Bureau Approves the Amended Compliance Plan of TAG Mobile, LLC*, Public Notice, WC Docket Nos. 09-197 and 11-42 (rel. Sept. 21, 2023). The FCC's approval acknowledged that TAG Mobile, LLC's compliance plan—together with its other non-Texas assets—were transferred in connection with the bankruptcy reorganization and sale to Softel Holdings, LLC. *See id.* at 2.

FCC's rules because it "provides qualifying low-income consumers with voice telephony service or broadband Internet access service" at rates reduced (usually to $0) as a result of the application of Lifeline support amounts. TAG Mobile's voice telephony service includes voice grade access to the public switched network; minutes of use for any-distance service provided at no additional charge to end users up to the prepaid plan's allotment of minutes; and access to the emergency services provided by local governments or other public safety organizations, such as 911 and enhanced 911.[15] TAG Mobile's broadband internet access services includes the capability to transmit data to and receive data from all or substantially all Internet endpoints, any capabilities that are incidental to and enable the operation of that communications service.[16] TAG Mobile's Lifeline service offerings meet the FCC's mandated minimum service requirements of 1000 minutes for voice service and/or 4.5 GB of broadband data service. TAG Mobile's current rate plans are attached as Exhibit F.

5. TAG Mobile Meets the Additional Eligibility Criteria for ETC Designation Under the FCC's Rules

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

Ability to Operate. TAG Mobile will provide Lifeline service through the resale of the services acquired from its underlying wireless carriers, currently AT&T, through existing negotiated and executed agreements. As TAG Mobile's underlying wireless carriers are already operational, TAG Mobile will be able to commence offering its Lifeline service programs to all qualified consumers soon after it receives approval from the Commission and upon

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[15] *See* 47 C.F.R. § 54.400(m).

[16] *See* 47 C.F.R. §54.400(l).

implementation of procedures and necessary internal systems, such as the distribution of sales materials to authorized agent locations. As a result, TAG Mobile will be able to meet the requirements of 47 C.F.R § 54.202(a)(1).

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

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

Financial and Technical Capabilities to Provide Lifeline Services. TAG Mobile possesses the financial and technical capabilities required by Section 54.202(a)(4) to provide Lifeline-supported services. TAG Mobile is led by an experienced executive team with over 24 years of experience in the telecommunications industry, including five years leading Lifeline

program participants and TAG Mobile's affiliates, Air Voice Wireless, LLC, and Cintex Wireless LLC. Additional details on the management experience of TAG Mobile's executive team are attached hereto as Exhibit G. Moreover, as a result of the recapitalization and reorganization of its predecessor, which was completed in 2023, TAG Mobile has a strong balance sheet that puts it in a strong position to deliver services to Lifeline customers.

Terms and Conditions of its Voice and Broadband Lifeline Plans. TAG Mobile has provided the terms and conditions of the details of its voice service plans and broadband internet access plans, which are set out in Exhibit E.[17]

6. TAG Mobile Will Implement A Robust Eligibility Plan to Prevent Waste, Fraud, and Abuse

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

TAG Mobile enrolls customers through a direct-to-customer online portal. Like its affiliate AirVoice, TAG Mobile will not use agents to enroll customers. TAG Mobile will verify the identity of all customers and check to ensure that no one else in the customer's household is receiving a Lifeline benefit through use of the National Lifeline Accountability Database

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[17] 47 C.F.R § 54.202(a)(5).

("NLAD"). Likewise, TAG Mobile will use the National Verifier to verify the customer's eligibility for Lifeline. TAG Mobile will also utilize the NLAD and National Verifier to conduct re-verification and re-certifications.

TAG Mobile has built an automated system to process and validate the Company's data from the NLAD Lifeline Claims System to ensure that all customers that did not meet the FCC's usage requirements are not claimed, to ensure that duplicate claims are not submitted for the same household for the same month, and to ensure that all lines are properly de-enrolled when the customer requests or when otherwise required by rules, including for non-usage.

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

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

TAG Mobile's Lifeline program will offer an easy-to-use, competitive, and highly affordable wireless telecommunications service to qualified consumers who have either no other service alternatives or who choose a wireless prepaid solution instead of traditional services. Once designated by the Commission as an ETC, the Company will announce and advertise

telecommunications services in its service area and publicize the availability of Lifeline services in a manner reasonably designed to reach those likely to qualify for such services, making more low-income residents aware of opportunities afforded to them under the Lifeline program that they can take advantage of. The additional competition offered by TAG Mobile will benefit all consumers of wireless services, and low-income consumers in particular.

IV. CONCLUSION

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

Respectfully submitted,



John T. Nakahata
H. Henry Shi
HWG LLP
1919 M Street NW, Suite 800
Washington, DC 20036
(202) 730-1320
jnakahata@hwglaw.com
hshi@hwglaw.com

Counsel for TAG Mobility, LLC

Date: December 13, 2024

STATE OF TEXAS)
)
)
COUNTY OF HARRIS)

VERIFICATION

I, Henry Hung Do, being first duly sworn upon oath, depose and say that I am the Chief Executive Officer of TAG Mobility, LLC d/b/a TAG Mobile, and as such am authorized to make this verification on its behalf; that I have read the foregoing Application; that I know the contents thereof; and that the facts set forth in the foregoing Application are true and correct to the best of my knowledge, information and belief.

Henry Hung Do

Subscribed and sworn to before me this 13th day of December, 2024.

O. Clanton
Notary Public

OCTAVIA CLANTON
My Notary ID # 132188194
Expires September 25, 2027

My commission expires on: September 25, 2027

Exhibits List

Exhibit A – Designated Service Areas

Exhibit B – Certificate of Formation and Registration as Foreign LLC

Exhibit C – Ownership Structure of TAG Mobile

Exhibit D – TAG Mobile's FCC-Approved Compliance Plan

Exhibit E – Examples of TAG Mobile's Advertisements

Exhibit F – TAG Mobile Current Lifeline Pricing Plan, Terms, and Conditions

Exhibit G – TAG Mobile Management Bios

EXHIBIT A

DESIGNATED SERVICE AREA

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

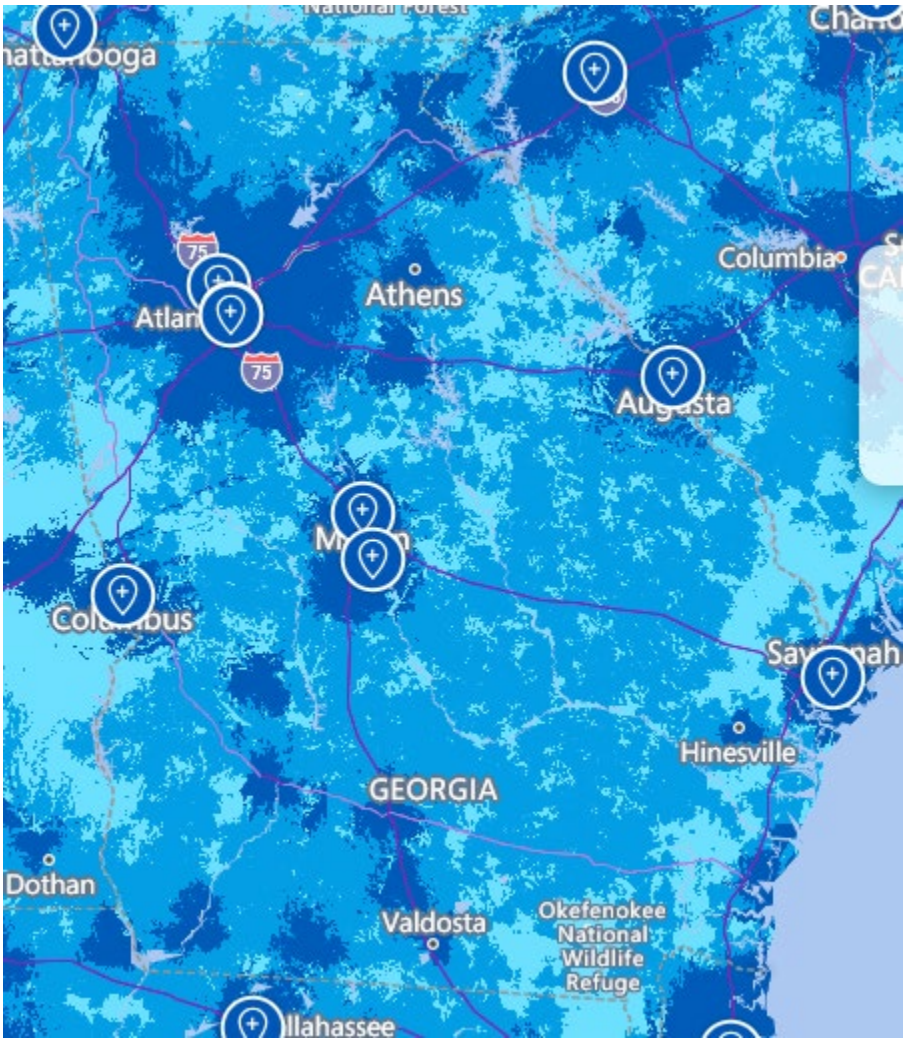


EXHIBIT B

Certificate of Formation and Registration as a Foreign LLC in Georgia

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697

Jane Nelson
Secretary of State

Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for TAG Mobility, LLC (file number 803427368), a Domestic Limited Liability Company (LLC), was filed in this office on September 13, 2019.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on May 07, 2024.

Jane Nelson
Secretary of State

Control Number : 24168280

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF EXISTENCE

I, **Brad Raffensperger**, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that

TAG Mobility, LLC
a **Foreign Limited Liability Company**

was formed in the jurisdiction stated below or was authorized to transact business in Georgia on the below date. Said entity is in compliance with the applicable filing and annual registration provisions of Title 14 of the Official Code of Georgia Annotated and has not filed articles of dissolution, certificate of cancellation or any other similar document with the office of the Secretary of State.

This certificate relates only to the legal existence of the above-named entity as of the date issued. It does not certify whether or not a notice of intent to dissolve, an application for withdrawal, a statement of commencement of winding up or any other similar document has been filed or is pending with the Secretary of State.

This certificate is issued pursuant to Title 14 of the Official Code of Georgia Annotated and is prima-facie evidence that said entity is in existence or is authorized to transact business in this state.

Docket Number	:	28157748
Date Inc/Auth/Filed	:	08/30/2024
Jurisdiction	:	Texas
Print Date	:	10/09/2024
Form Number	:	211

Brad Raffensperger

Brad Raffensperger
Secretary of State

EXHIBIT C

OWNERSHIP STRUCTURE OF TAG MOBILITY, LLC

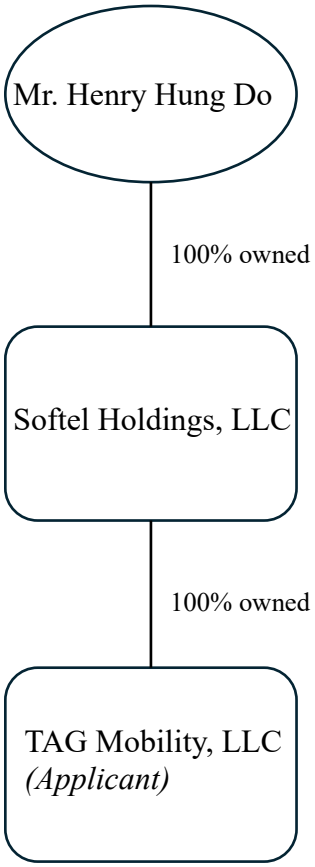


EXHIBIT D

FCC-APPROVED COMPLIANCE PLAN

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

In the Matter of Telecommunications Carriers Eligible to Receive Universal Service Support Lifeline and Link Up Reform and Modernization TAG Mobile, LLC	 WC Docket No. 09-197 WC Docket No. 11-42

TAG MOBILE, LLC AMENDED COMPLIANCE PLAN

TAG Mobile, LLC ("TAG" or the "Company"),[1] through its undersigned counsel, hereby respectfully submits and requests expeditious approval of these revisions to its approved Compliance Plan ("Amended Compliance Plan") outlining the measures it will take to comply with the Federal Communications Commission's ("Commission" or "FCC") 2012 Lifeline Reform Order,[2] as well as the Order on Reconsideration and Third Report and Order.[3] TAG's Compliance Plan was originally

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[1] Changes in the Company's holding company and affiliates following a proposed change in ownership are discussed in Section III herein; upon consummation, the Company's names and identifiers will be changed to TAG Mobile Telecom, LLC d/b/a TAG Mobile.

[2] *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"). The Company herein submits the information required by the Compliance Plan Public Notice. *See 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").

[3] *See 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

approved by the Wireline Competition Bureau ("Bureau") on August 8, 2012.[4] TAG is designated as an eligible telecommunications carrier ("ETC") to provide Lifeline services to low-income consumers on a wireless basis in Arizona, Arkansas, California, Colorado, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, Oklahoma, Pennsylvania, South Carolina, Texas, West Virginia and Wisconsin. TAG files this 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.

TAG commends the Commission's commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers. TAG 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.[5]

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on Reconsideration"). *See In the Matter of Lifeline and Link 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").

[4] *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, WC Docket. Nos. 09-197 and 11-42, Public Notice, DA 12-1286 (rel. Aug. 8, 2012).

[5] *See* 2012 Lifeline Reform Order ¶ 368. Although TAG qualifies for and seeks to avail itself of the Commission's grant of forbearance from the facilities requirement of section 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. TAG 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 TAG provides service using its own facilities for purposes of a state universal service program.

TAG 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.[6] This Compliance Plan describes the specific measures that the Company has implemented to achieve these objectives. Specifically, this Compliance Plan: (1) describes in detail the measures that TAG takes to implement the obligations contained in the 2012 Lifeline Reform Order and Third Report and Order, 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 sample marketing materials; and (2) provides a detailed description of how TAG 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[7]

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 services.[8] 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 TAG customers will have available access to emergency calling services at the time that Lifeline voice telephony service is

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6 TAG will update its associated Lifeline program forms and advertising, whenever necessary, to reflect Commission changes to the applicable Lifeline program rules.

7 *See* Compliance Plan Public Notice at 3.

8 *See* 2012 Lifeline Reform Order ¶ 373.

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.

TAG's existing practices currently provide access to 911 and E911 services for all customers. TAG uses Sprint and T-Mobile as its underlying wireless network providers/carriers ("Underlying Carriers"). These 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 TAG's Underlying Carriers are certified in a given PSAP territory, this 911 capability will function the same for the Company. TAG 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. TAG's handsets used in connection with the wireless Lifeline service offering have always been and will continue to be 911 and E911-compliant. The Company's phones have passed a stringent certification process, which ensures that the handset models used meet all 911 and E911 requirements. As a result, any existing 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 TAG offers handsets for use with its Lifeline service, any new customer that qualifies for and enrolls in TAG's Lifeline voice telephony service is assured of receiving a 911/E911-compliant handset.

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.[9] The Commission further requires such providers to offer the choice to Lifeline customers of devices that are

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[9] *See* Third Report and Order at ¶ 366.

equipped with hotspot functionality.[10] To the extent TAG 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[11]

A. Policy

TAG 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"),[12] 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 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.

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10 *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).

11 *See* Compliance Plan Public Notice at 3.

12 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 (rel. Dec. 18, 2019). In these states, TAG will rely upon the National Verifier in conjunction with the state administrator (together, the "National Verifier") for eligibility determination.

B. Eligibility Determination

Eligible customers will primarily apply electronically on the Company's website, or may have the option to enroll in TAG's Lifeline service in-person with field representatives or at TAG retail locations. Customers may also apply directly with the National Verifier online or by mail. Regardless of enrollment method, TAG relies upon the National Verifier for determination of consumer eligibility for Lifeline.

TAG uses a web-based electronic Lifeline enrollment application ("electronic application") for any in-person Lifeline customer enrollments. The electronic application 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.[13] The electronic application also checks the applicant's address against the E911 database to clear service from TAG's underlying providers and verifies coverage is available in TAG's designated service territory.

When in person, TAG requires all prospective customers to provide a copy of their valid government-issued photo identification.[14] Customers that enroll electronically will use the National Verifier consumer portal to submit their Lifeline application, eligibility proof and copy of government-issued identification directly to the National Verifier, or customers may submit such documentation directly to the National Verifier by mail.

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13 *See infra* Section I.F. regarding use of the NLAD.

14 Any identification documentation collected, including documentation used in NLAD processes to verify identity are now retained pursuant to the Order on Reconsideration. *See* Order on Reconsideration ¶ 224.

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

Further, TAG will not enroll customers at retail locations where TAG does not have an agency agreement with the retailer. TAG will require a retailer to have any employees involved in the enrollment process go through the standard TAG training process, just as it would for any other Company Representative. By establishing contractual relationships with all of its Representatives, including future retail outlets, TAG meets the "deal directly" requirement adopted in the TracFone Forbearance Order.[15]

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 consistently found that '[l]icensees and other Commission regulatees are responsible for the acts and omissions of their employees and independent contractors.'"[16] TAG 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.[17]

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[15] *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).

[16] 2012 Lifeline Reform Order ¶ 110.

[17] *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*").

TAG is responsible for the actions of all of its Representatives, and a non-commissioned TAG employee will be responsible for overseeing and finalizing every Lifeline enrollment and request for reimbursement. The Company will therefore always "deal directly" with its customers to certify and verify the customer's Lifeline eligibility.

De-Enrollment for Ineligibility. If TAG has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company will notify the 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.[18] A demonstration of eligibility must comply with the annual verification procedures below and found in rule section 54.410(f), including the submission of a certification form.

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.[19] Customers can make this request by calling the Company's customer service number and will not be required to submit any documents. Live customer service and bilingual operators can currently be reached for Lifeline service support from 9 AM to 6 PM Eastern, Monday through Saturday, with 24/7 access to assistance via IVR and online help center.

C. Subscriber Certifications for Enrollment

TAG 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

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18 *See* 2012 Lifeline Reform Order ¶ 143; 47 C.F.R. § 54.405(e)(1).

19 *See* 47 C.F.R. § 54.405(e)(5).

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 Lifeline application forms required by FCC rules ("Universal Forms"), and thus TAG complies with the disclosure and information collection requirements in 47 C.F.R. § 54.410(d).[20] 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 TAG's assistance via the service provider portal, Company personnel will orally explain the certifications to consumers.[21]

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

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20 *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.

21 *See* 2012 Lifeline Reform Order ¶ 123.

applicant may not transfer his or her benefit to any other person.[22] The Universal Forms further collect the information and certifications required by 47 C.F.R. §§ 54.410(d)(2)-(3), and require the applicant to consent to transmission of the subscriber's information to the Administrator to ensure the proper administration of the Lifeline program.[23]

D. Annual Verification Procedures

TAG 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 National Verifier is responsible for annually confirming 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 also 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 TAG is notified by the National Verifier that it is unable to re-certify a subscriber, TAG will comply with the de-enrollment requirements provided for in §54.405(e)(4).[24]

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22 *See id*. ¶ 121; 47 C.F.R. § 54.410(d)(1).

23 *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).

24 TAG 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 TAG offers Lifeline service that does not require the Company to assess and collect a monthly fee from its subscribers, TAG will not consider a subscriber activated, and will not seek Lifeline reimbursement for that subscriber, until the subscriber activates the Company's service by engaging in an activity that constitutes use of the service as set forth in 47 C.F.R. § 54.407(c)(2).[25]

After service activation, TAG will not seek reimbursement from the Universal Service Fund for and will de-enroll any subscriber that has not used TAG'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), TAG 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. TAG 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.[26]

F. Additional Measures to Prevent Waste, Fraud and Abuse

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, TAG has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the

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[25] *See* 2012 Lifeline Reform Order ¶ 257; 47 C.F.R. § 54.407(c)(1).

[26] *See* 2012 Lifeline Reform Order at ¶ 257; *see also* 47 C.F.R. §§ 54.404(b)(10) and 54.405(e)(3), respectively.

same household. These measures entail additional emphasis in written disclosures as well as live due diligence.

Database. 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[27] 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.[28]

In addition to checking the NLAD, Company personnel 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 personnel 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 in accordance with FCC rules. All Representatives are given a toll-free hotline and an email address that can be used for any issues or questions regarding Lifeline services.

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[27] With the limited exception of states that have opted out of the NLAD. In those states, TAG will follow the duplicates detection process required by the state.

[28] *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.

One-Per-Household Certification. TAG has implemented the requirements of the 2012 Lifeline Reform Order to ensure that it provides only one Lifeline benefit per household[29] 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, TAG will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.[30] 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).[31]

If an applicant is determined to have an existing Lifeline service, TAG 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 TAG (and acknowledges doing so will result in loss of the Lifeline benefit with their former Lifeline service provider) prior to initiating a benefit transfer.

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

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29 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).

30 *See* 2012 Lifeline Reform Order ¶ 78.

31 The Household Worksheet is available at https://www.usac.org/lifeline/additional-requirements/forms/.

enroll in the program, (5) the program is limited to one discount per household; (6) that documentation is necessary for enrollment; and (7) the name of the ETC (TAG Mobile).[32] These statements are included in all print, audio visual, and web materials (including social networking media) used to describe or enroll customers in the Company's Lifeline service offering.[33] This specifically includes the Company's website as well as outdoor signage.[34] Samples of the Company's marketing materials are included as **Exhibit A**.[35] 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 TAG 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 verification forms from each of the subscribers for whom it is seeking reimbursement.[36] 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.[37] In addition, the Company will keep accurate records as directed by USAC[38] and as required by section 54.417 of the Commission's rules.

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32 *See* 2012 Lifeline Reform Order ¶ 275; 47 C.F.R. § 54.405(c).

33 *See id.*

34 *See id.*

35 Exhibit A is a sample and is subject to change, especially to ensure compliance with changes in FCC rules or state-specific conditions.

36 *See 2012 Lifeline Reform Order* ¶ 128; 47 C.F.R. § 54.407(d).

37 *See* 47 C.F.R. § 54.407(a).

38 *See id.* at § 54.407(e).

H. Annual Company Certifications

The Company submits an annual FCC Form 481 filing to the Commission by July 1st 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.[39] 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.[40] The Company provides the results of its re-certification efforts, performed pursuant to section 54.410(f) of the Commission's rules, as amended, annually by January 31st, for its re-certification efforts of the previous year.[41]

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39 *See id.* § 54.422.

40 *See id.* § 54.416(a).

41 *See id.* § 54.416(b).

II. Description of Lifeline Service Offerings[42]

TAG 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 respective, underlying provider(s). TAG's Lifeline-supported services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408.

TAG's current wireless Lifeline offering based upon minimum service standards effective December 1, 2020 consists of the following plan option(s):

PLAN DESCRIPTION	VOICE	TEXT	DATA	LIFELINE PRICE
1000 Voice/Unlim Text/ 4.5 GB Data	1000	Unlimited	4.5 GB	$0.00

In addition to allotments of voice, text and broadband services, TAG's current wireless Lifeline offering includes a free handset or SIM card and access to custom calling features at no charge, including Caller ID, Call Waiting, 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 and on the Company's website. Additional information regarding the Company's wireless Lifeline plans, rates and services can be found on its website.

42 *See* Compliance Plan Public Notice at 3.

III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation[43]

Financial and Technical Capabilities. Section 54.202(a)(4)[44] requires carriers petitioning for ETC designation to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements,[45] and the Compliance Plan Public Notice requires that carriers' compliance plan include this demonstration. Among the factors that the Commission will consider are the following: (1) the carrier's prior offering of service to non-Lifeline subscribers; (2) the length of time that the carrier has been in business; (3) whether the carrier relies exclusively on Lifeline reimbursement to operate; (4) whether the carrier receives revenues from other sources; and (5) whether the carrier has been the subject of an enforcement action or ETC revocation proceeding in any state.

On October 5, 2017, TAG's creditors filed an involuntary petition for relief (the "Bankruptcy Case") under Chapter 7 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the "Bankruptcy Court"), Case No. 17-33791-sgj-11. Pursuant to the Bankruptcy Court's Order of September 11, 2019 [Docket No. 276], granting the *Amended Motion to Permit Trustee to Create a Subsidiary and Transfer Regulated Assets to it Free and Clear* [Docket No. 259], the Bankruptcy Court authorized TAG to form TAG Mobile Bankruptcy Sale Entity LLC ("TAG Bankruptcy Entity") as a wholly owned subsidiary of TAG and to eventually transfer the Regulated Assets (as defined below) to the TAG Bankruptcy Entity. On May 8, 2020, the Bankruptcy Court entered an *Order Granting the Chapter 11 Trustee's Motion to (A) Approve Transfer of Assets from*

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43 *See* Compliance Plan Public Notice at 3.

44 *See* 47 C.F.R. § 54.202(a)(4).

45 *See* 2012 Lifeline Reform Order ¶¶ 387-388 (revising 47 C.F.R. § 54.202(a)(4)).

Debtor to Debtor's Subsidiary Free and Clear of Liens, Claims, Encumbrances, and Other Interests; and (B) to Approve Sale of Debtor's Membership Interest in the Debtor's Subsidiary and Certain Other Assets to Buyer Free and Clear of All Liens, Claims, Encumbrances, and Other Interests (the "Sale Order").[46] The transfer of assets included, among other regulated assets defined in the Sale Order,[47] TAG's approved FCC Compliance Plan. On October 12, 2021, the Bankruptcy Court entered the *Order Granting Motion to Amend Sale Order and Henry Do's Agreement as the First Back-Up Bidder* (the "Amended Sale Order"), which authorized the Trustee to sell the TAG's membership interests in the TAG Bankruptcy Entity to the Buyer for $2.7 million (the "Amended Purchase Price). The Amended Sale Order approved the Amended Membership Interest Agreement. The Amended Sale Order is attached as **Exhibit B.**

Pursuant to the terms of the Membership Interest Purchase Agreement dated October 15, 2021, by and among Robert Yaquinto, Jr. (the "Trustee"), solely in his capacity as the chapter 11 trustee of TAG, and Softel Holdings, LLC ("Softel") (as the designee of Henry Do), agreed to Softel purchase one hundred percent (100%) of the membership interests of TAG Bankruptcy Entity (the "Transaction"). A copy of the Amended Membership Interest Purchase Agreement was attached as an exhibit to the Amended Sale Order. Upon consummation of the Transaction, which is subject

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[46] Softel was the first alternate bidder to purchase the Regulated Assets, subject to receipt of required regulatory approvals. The original winning bidder terminated its agreement with TAG Mobile.

[47] The term "Regulated Assets" was defined as (a) TAG Mobile's Lifeline customers; (b) all applications, billing, usage, customer support and other books and records evidencing or relating to Tag Mobile's Lifeline customers; (c) an FCC ETC designation, which TAG Mobile needs to provide Lifeline services; (d) an approved FCC compliance plan for the Lifeline Program; (e) 19 state ETC designations for the Lifeline Program; (f) 19 state wireless registrations; and (g) domestic and international "section 214" authorizations given by the FCC, which all telecommunication carriers need to provide interstate and international service.

only to any required regulatory approvals, Softel intends to change the name of TAG Bankruptcy Entity to TAG Mobile Telecom, LLC d/b/a TAG Mobile.

Softel is a Texas limited liability company with its principal offices located at 9920 Brooklet Drive, Houston, Texas 77009. Softel was created for purposes of the Transaction. Softel has established considerable financial resources that will be available, as needed, to support TAG in its operations and continuing growth. Softel is wholly-owned by Henry Hung Do, a United States citizen and resident of the State of Texas. Henry Hung Do also owns 100% of: (a) Cintex Wireless, LLC d/b/a SFone Wireless, a Delaware limited liability company ("Cintex"), that provides non-Lifeline wireless services throughout the United States, and provides Lifeline-only wireless services in Arkansas, Maryland, Maine, Rhode Island and West Virginia, in which it has been designated as an ETC to provide Lifeline services to low-income consumers, and has been approved Emergency Broadband Provider ("EBP") in over 45 jurisdictions; (b) NewPhone Wireless, LLC, a Louisiana limited liability company, that provides Lifeline-only wireless services in Louisiana in which it has been designated as an ETC to provide Lifeline services to low-income consumers, has been approved EBP in over 45 jurisdictions, and is authorized to provide non-Lifeline wireless services throughout the United States; (c) HTH Communications, LLC, a Texas limited liability company, a global and one of the largest mobile device distributors in the United States, which has been in business for more than thirteen (13) years; (d) SofTel Technologies, a Texas limited liability, that provides distribution services to Lifeline-only wireless providers; and (e) VTel Holdings, LLC, a Texas limited liability company, which was approved by the FCC's International Bureau, the Calornia Public Utilities Commission, and the Mississippi Public Service Commission, to acquire 100% ownership interest in Air Voice Wireless, LLC, which holds ETC designations in 10 states. AirVoice was granted authority to transfer control to VTel on July 5, 2021 (*See* FCC File No. ITC-T/C-202110524-00099), in addition to obtaining all required state approvals. Neither Softel nor any of

its affiliates have foreign ownership and, like TAG, are not foreign carriers or affiliated with foreign carriers in any market.

Softel brings to TAG not only financial stability, but also managerial and technical resources available to Softel through its affiliates which have been providing telecommunications service and handsets, including wireless Lifeline service, for over thirteen (13) years. Softel and its affiliates receive revenue from a number of sources which are independent from the revenue it receives in the form of Lifeline reimbursements, such as the following wholesale and non-Lifeline wireless services: income from the sale of prepaid wireless services to non-Lifeline consumers as well as the sale of replenishment airtime minutes and data to Lifeline consumers, the sale of various other ancillary services, and the sale of wireless handsets. Softel will similarly move forward with TAG operations such that TAG provides non-Lifeline services wholly separate from and/or complementary to its Lifeline services. Consequently, TAG will not be relying exclusively on Lifeline reimbursement for its operating revenues. Under current ownership, neither Softel nor its affiliates have been subject to enforcement sanctions related to the Low Income Fund or ETC revocation proceedings in any state.[48] Cintex and NewPhone currently provide wireless Lifeline and EBB services to approximately 190,000 subscribers.

With respect to technical expertise, Softel and its affiliates have considerable experience complying with the requirements of the federal Lifeline program. In addition, key members of TAG's current operations team will remain with the Company post-Transaction, continuing to work on day-to-day operations. As a result, the Transaction will bring together TAG's current valued personnel, and the full strength of Softel and its affiliates' proven telecommunications capabilities

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[48] Pursuant to a Membership Interest Purchase Agreement dated February 6, 2019, Henry Hung Do purchased 100% of the equity of Cintex. Pursuant to an Order and Consent Decree adopted on December 22, 2017, Cintex settled a Notice of Apparent Liability with the FCC. *See* File No. EB-IHD-13-00010671.

and business expertise, particularly with respect to compliance and marketing in the low-income consumer sector. As a result, Softel's ownership will enable TAG to achieve measurable growth at the same time as it develops improved operating efficiencies, which are 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 newly amended section 54.202 of the Commission's rules."[49] TAG certifies that it will comply with the service requirements applicable to the support the Company receives.[50] TAG's Lifeline-supported voice services will meet the minimum service standards set forth in 47 C.F.R. § 54.408. TAG'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 basis. To the extent TAG 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 TAG 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 broadband Internet access service

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49 Compliance Plan Public Notice at 3.

50 *See* 47 C.F.R. § 54.202.

as well as voice telephony services that provide voice grade access to the public switched network or its functional equivalent. 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 also will 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, TAG will not provide toll limitation service ("TLS"), which allows low-income consumers to avoid unexpected toll charges. However, since TAG is a prepaid service provider, customers cannot be disconnected for failure to pay toll charges, nor are there additional charges for exceeding their preset minutes. 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.[51]

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51 *See* 2012 Lifeline Reform Order ¶ 230.

IV. Conclusion

TAG submits that its 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 Amended Compliance Plan is essential to allow TAG 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 the revisions to its Compliance Plan.

Respectfully submitted,

/s/ Lance J.M. Steinhart

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

Attorneys for Softel Holdings, LLC

/s/ Tony S. Lee

Tony S. Lee, Esq.
Fletcher, Heald & Hildreth
1300 N. 17th Street, Suite 1100
Arlington, VA 22209
(703) 812-0442 (Phone)
(703) 812-0486 (Fax)
lee@fhhlaw.com (E-Mail)

Attorneys for TAG Mobile, LLC and
TAG Bankruptcy Sale Entity, LLC

July 28, 2022

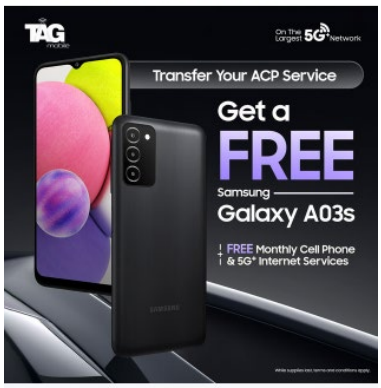
EXHIBIT E

EXAMPLES OF ADVERTISEMENTS

TAG-Mobile
Được tài trợ ·

Switch to TAG Mobile with your ACP/Lifeline program to get a Free Samsung Galaxy A03S and cell phone service.

Terms & Conditions Apply.
#freephone #ACPend #transferACP



tagmobile.com
FREE Phone & Monthly Services
Đăng ký ngay

TAG-Mobile
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Switch to TAG Mobile with your ACP/Lifeline program to get a FREE CAT S22 FLIP and cell phone service.

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FREE Monthly Cell Phone & 5G+ Internet...
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EXHIBIT F

CURRENT PRICING PLAN

Lifeline Plan **Cost: $0 / month**

Plan Includes:

Free 4.5GB High Speed 5G+ Internet
Unlimited Talk
Unlimited Text
Unlimited International Calling to 80+
Countries Including Canada and Mexico

Features:

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

Additional terms and conditions for TAG Mobile's Lifeline service are available at https://tagmobile.com/terms-conditions.

EXHIBIT G

MANAGEMENT BIOS

Henry Do, Chief Executive Officer

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

Founder/CEO
HTH Communications, LLC.
Dates Employed: Jul 2008 – Present
Employment Duration: 15 years and 9 months
Location Houston, Texas Area
HTH is the vital link to the secondary marketplace. To national carriers, HTH is a trusted vendor delivering the most value for their EOL, returned or excess handset inventory. For regional carriers or MVNOs, HTH is the leading provider of high-quality refurbished devices, logistics, and engineering services. HTH attributes fourteen consecutive years of growth to staying true to these principles: Quality and Efficiency. HTH has an efficient workforce that boasts of employee longevity. We procure quality products focusing on top-level access and high volumes. We have an in-house software development team that allows us to quickly and cost-effectively modify products for the secondary market. We have a smart and empowered salesforce that have become trusted partners to their customers. Whether it's building an IT infrastructure that optimizes workflow and reinforces accountability, or maintaining the world-class portfolio of quality designations including R2, ISO 9001, ISO 14001 and ISO 18001, HTH is committed to operational excellence.

Owner/CEO
Cintex Wireless
Dates Employed: Feb 2019 – Present
Employment Duration: 5 years and 2 months
Location Houston, Texas, United States
Cintex Wireless is one of the nation's leading providers of EBB & Lifeline wireless services in 50 States to those in need. Cintex's subscribers will receive a FREE 4G/5G LTE smartphone along with FREE monthly cell phone service to help them stay connected with family, school services, doctors, and employers. Cell phone service includes nationwide coverage on one of America's largest 5G networks. Our customers enjoy their free phones and free services at absolutely no cost to them. We also offer affordable prepaid wireless cell phone service through SFone Wireless.

Hugo Vo, Technologies OP Manager

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

HTH Communications, LLC
IT & Development Manager: May 2021 – Present
IT Support Jan 2019 – May 2021
Phone Technician / Helpdesk Jul 2018 – Jan 2019
Employment Duration: 5 years and 9 months
Location: Houston, Texas, U.S

Creative Bay
Web Developer: May 2012 – Dec 2013
Employment Duration: 1 year and 8 months
Location: Vietnam

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