

**Before the  
PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI**

In the Matter of the Application of Cintex Wireless, LLC	)	
For Designation as an Eligible Telecommunications	)	
Carrier in the State of Missouri for the Limited	)	Case No. _____
Purpose of Offering Lifeline and Link Up Service	)	
To Qualifying Households	)	

**APPLICATION OF CINTEX WIRELESS, LLC FOR DESIGNATION AS  
A WIRELESS ELIGIBLE TELECOMMUNICATIONS CARRIER**

COMES NOW Cintex Wireless, LLC (“Cintex” or “Applicant”), pursuant to 47 U.S.C. §214(e)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the “Act”),<sup>1</sup> 47 C.F.R. §54.101 - §54.207 of the Rules of the Federal Communications Commission (“FCC”), §392.248, RSMo, and the rules and regulations of the Missouri Public Service Commission (the “Commission”), including 4 CRS 240-3.570, and hereby submits this Application to the Commission for designation as a wireless Eligible Telecommunications Carrier (“ETC”) throughout the non-rural Southwestern Bell Telephone Company, L.P. d/b/a AT&T Missouri (“AT&T”) exchanges solely for the purpose of receiving federal Universal Service Fund (“USF”) low-income support for Lifeline and Link-Up services. As demonstrated herein, Cintex meets all the statutory and regulatory requirements for designation as a wireless ETC in the State of Missouri. Moreover, Cintex’s petition is similar to that of TracFone Wireless, Inc. (“TracFone”) and does not raise any unique issues.<sup>2</sup> Cintex respectfully requests that the Commission grant this Application expeditiously so that Cintex may begin providing wireless Lifeline and Link-Up service to qualified low-income households at the earliest practicable time.

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> *Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Missouri for the Limited Purpose of Offering Lifeline Service to Qualified Households*, Order, 2009 Mo. PSC LEXSI 917, Case No. TA-2009-0327 (March 2, 2011) (“TracFone Order”).

In support of its Application, Cintex states as follows:

**I. Background.**

1. Cintex Wireless, LLC is a Delaware limited liability company formed on January 29, 2007. A copy of Cintex's certificate from the Missouri Secretary of State authorizing it to do business in Missouri is attached hereto as **Exhibit A**.

2. The principal office of Cintex is located at 11910 Parklawn Drive, Suite U, Rockville, Maryland 20852 and its telephone number is (301) 363-4308. Cintex will notify the Commission of any changes to its contact information.<sup>3</sup> Cintex's contact name and address are set forth below:

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

3. Please direct copies of all correspondence, pleadings, and orders in this proceeding to the following:

Mark P. Johnson MBN 30740  
Lisa Gilbreath MBN 62271  
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4. Cintex currently provides non-Lifeline commercial mobile radio services ("CMRS") to several thousand subscribers throughout the domestic United States, primarily

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<sup>3</sup> 4 CSR 240-3.570(3)(F).

under the “Movida” and “Liberty” brands. In addition, Cintex has been designated an eligible telecommunications carrier in the states of Maryland, Rhode Island, West Virginia, and Arkansas and provides Lifeline service to more than 17,000 persons in those states.

5. Cintex currently 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.

6. Cintex’s marketing and distribution model is focused directly towards low-income communities and neighborhoods. Cintex will market its phones and services through television advertisements, direct mail and sales teams that will engage in in-person sales at locations and events frequented by low-income consumers. In addition, consumers will have the ability to purchase additional minutes at various retail locations, such as 7-Eleven stores. 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.

7. 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.

8. Cintex does not have any pending actions or final unsatisfied judgment or decision against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. No annual report or assessment fees are owed by Cintex .

## II. Cintex's Lifeline and LinkUp Offering.

9. Cintex will offer its Lifeline service through its own facilities and through the resale agreement with Sprint-Nextel or another underlying carrier.<sup>4</sup> *Cintex will offer each eligible customer 90 free anytime local and long distance minutes per month. Any 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.*

10. 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>Total Minutes</b>	<b>Actual Cost Per Minute</b>
\$3.00	20	\$0.15
\$5.00	33	\$0.15
\$10.00	67	\$0.15
\$20.00	500	\$0.04

11. The cost per minute associated with these buckets is comparable to the rates offered by other wireless ETCs.

12. 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.

13. 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

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<sup>4</sup> 47 C.F.R. § 54.201.

voicemail.

14. Cintex also seeks LinkUp support for its customers. LinkUp 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>5</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, and customers will have the option of receiving a waiver of the remaining activation charge (i.e., \$40.00).

15. Cintex commits to provide Lifeline and LinkUp discounts consistent with 47 C.F.R. §54.401, 47 C.F.R. §54.403, and 47 C.F.R. §54.411, and with 4 CSR 2403.570(2)(A)(7). Accordingly, Cintex’s discounts will be consistent with the federal plan:

Tier One:	\$6.50 (waive subscriber line charge, limited to ILEC’s subscriber line charge amount)
Tier Two:	\$1.75 (federal discount)
Tier Three:	\$1.75 (half of a state’s or carrier’s contribution)

### **III. Relevant Legal Environment.**

#### **A. Eligibility of Cintex and Identification of Its Service Area.**

16. Section 254(e) of the Act, 47 U.S.C. §254(e), provides that “only an eligible telecommunications carrier designated under §214(e) of this title shall be eligible to receive specific federal universal service support.” Sections 214(e)(1) and (2) of the Act, 47 U.S.C. §214(e)(1) and (2), require state public utility commissions to designate as an ETC, throughout the service area for which ETC status is sought, any common carrier that (1) offers services that are supported by federal universal service support mechanisms, either

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<sup>5</sup> 47 C.F.R. § 54.411(a)(1).

using its own facilities or a combination of its own facilities and resale of another carrier's facilities, and (2) advertises the availability of such services and the charges using media of general distribution.

17. Section 214(e)(2) of the Act provides that ETC designation shall be made for a "service area" designated by the state commission. Section 214(e)(5) of the Act provides that the "service area" shall be a "geographic area established by the State commission," and authorizes state public utility commissions to designate ETC status for federal universal service purposes. The FCC has recognized that common carriers offering wireless services are eligible to be designated as ETCs.<sup>6</sup> Cintex is a common carrier as that term is defined in the Act<sup>7</sup> and, as such, is eligible for designation as an ETC. Attached hereto as **Exhibit B** is a list of the service area, consisting of the wire centers of AT&T Missouri, for which Cintex is seeking ETC authority for its wireless services.

#### **B. Supported Services.**

18. In order to be designated an ETC, a carrier must offer all of the services "supported by the universal service support mechanisms,"<sup>8</sup> which are enumerated in C.F.R. §54.101 and 4 CSR 240-3.570(3)(C), either using its own facilities or a combination of its own facilities and resale of another carrier's services. 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.

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<sup>6</sup> *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776, 8858-59 (1997) ("First Report and Order").

<sup>7</sup> 47 U.S.C. § 153(h)(10).

<sup>8</sup> 47 U.S.C. § 214(e)(1)(A).

## **1. Voice grade access to the public switched network.**

19. 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>9</sup> The voice grade access provided by Cintex enables a user of telecommunications services to transmit voice 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.**

20. 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>10</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>11</sup> The FCC has not adopted any minimum local usage requirements.<sup>12</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

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<sup>9</sup> See *Federal-State Joint Board on Universal Service*, First Report and Order, 12 FCC Rcd 8776, 8810-11 (1997) (“USF Order”).

<sup>10</sup> 47 C.F.R. § 54.202(a)(4).

<sup>11</sup> *Federal-State Joint Board on Universal Service*, Report and Order, 20 FCC Rcd 6371 (2005).

<sup>12</sup> *Id.* ¶ 32.

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.

**3. Dual tone multi-frequency (“DTMF”) signaling or its functional equivalent.**

21. DTMF signaling allows carriers to provide expeditious call set-up and call detail information and enables modem usage.<sup>13</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.**

22. 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 emergency service and enhanced emergency service.**

23. The FCC has declared that access to emergency services is essential.<sup>14</sup> Cintex provides universal access to the 911 system for its customers. Cintex offers enhanced 911 (“E-911”) services wherever such services are offered by Sprint-Nextel. In particular, Cintex will comply fully with the FCC's E-911 requirement applicable to wireless resellers.<sup>15</sup> Pursuant to the FCC's E-911 Order, providers that use other carriers' facilities to provide wireless voice service to customers have an obligation to comply with the FCC's E-911 rules “to the extent that

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<sup>13</sup> *USF Order*, 12 FCC Rcd at 8814.

<sup>14</sup> *Id.* at 8815.

<sup>15</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) (“E-911 Order”).



the underlying facilities-based licensee has deployed the facilities necessary to deliver enhanced 911 information to the appropriate PSAP [public service answering point].”<sup>16</sup> So too will Cintex comply with the emergency service provisions of 4 CSR 240-3.570(3)(C)(1)(C) and (D).

**6. Access to interexchange service.**

24. 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.

**7. Access to telecommunications relay services by dialing 711.**

25. Cintex will make available to customers access to telecommunications relay services (“TRS”) pursuant to 4 CSR 240-3.570(3)(C)(1)(F). Cintex customers requiring access to TRS may do so by dialing 711. Through Cintex’s underlying wireless carrier, customers may access TRS twenty-four hours a day, seven days a week. Trained customer service representatives can provide Teletypewriter (TTY) and Speech-to-Speech (STS) services when Cintex customers are in need of such services.

**8. Access to directory assistance.**

26. All Cintex customers receive access to directory assistance service in part through Cintex’s own facilities, explained in greater detail below. In addition, Cintex will offer its customers directory assistance at no charge. Specifically, calls to directory assistance will not consume any free minutes.

**9. Access to operator services.**

27. Cintex offers all of its customers access to operator services, in part through its

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<sup>16</sup> *Id.* ¶ 91.

own facilities, explained in greater detail below.

#### **10. Toll limitation for qualified low-income customers.**

28. 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.

#### **C. Advertising Supported Services.**

29. 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>17</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>18</sup> 4 CSR 240-3.570(2)(A)(7) requires that ETCs commit to satisfying this federal obligation. 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>19</sup>

30. Cintex will advertise its Lifeline and Link Up offerings in traditional media such

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<sup>17</sup> 47 CFR § 54.201(d)(2).

<sup>18</sup> 47 CFR § 54.405(b); 4 CSR 240-3.570(2)(A)(6).

<sup>19</sup> 47 CFR § 54.411(d).

as television, radio, and print. The advertisements will be published and/or viewed on programming and in newspapers that target low income audiences. Cintex may also make potential customers aware of its service through direct mail. Direct mail advertising will be targeted towards low income consumers. Sample advertising is attached hereto as **Exhibit C**.

**D. Provision of Supported Services Through the Use of Own Facilities and Resale of Another Carrier's Services.**

31. Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at least in part, over their own facilities. While 47 C.F.R. §54.201(i) prohibits state public utility commissions from designating as an ETC a telecommunications carrier that offers supported services exclusively through the resale of another carrier's services, the FCC has determined that:

a carrier need not offer universal service *wholly* over its own facilities in order to be designated as eligible because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale.<sup>20</sup>

32. Instead, the FCC has required, pursuant to 47 C.F.R. § 54.201(d), that:

[a] common carrier designated as an eligible telecommunications carrier . . . shall, throughout the service area for which the designation is received, . . . [o]ffer the services 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 services.<sup>21</sup> (Emphasis added.)

33. As required by the 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. Cintex will provide access to directory assistance and access to operator services in part over its own facilities. Thus, Cintex uses its own facilities to provide

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<sup>20</sup> *First Report and Order* at ¶ 169 (emphasis original).

<sup>21</sup> 47 C.F.R. § 54.201(d)(1).

two of the supported services.

34. 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>22</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.

35. 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. There is no state or federal definition or requirement as to the number of or the amount of the supported services that an ETC must offer via its "own facilities." The FCC stated in the *First Report and Order* that:

Although the Joint Board did not reach this issue, . . . the statute does not dictate that a carrier use a specific level of its 'own facilities' in providing the services designated for universal service support given that the statute provides only that a carrier may use a 'combination of its own facilities and resale' and does not qualify the term 'own facilities' with respect to the amount of facilities a carrier must use. For the same reasons, we find that the statute does not require a carrier to use its own facilities to provide each of the designated services but, instead, permits a carrier to use its own facilities to provide at least one of the supported services.<sup>23</sup>

36. As long as an ETC offers any portion of the supported services through the use of its own facilities, whether or not such facilities are located in the designated service area, the ETC will satisfy the "own facilities" requirement and qualify for both Lifeline and LinkUp support.

37. 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

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<sup>22</sup> 47 C.F.R. § 54.201(e).

<sup>23</sup> *First Report and Order* at ¶ 169 (Footnote omitted).

and resale. 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>24</sup>

**E. Additional Eligibility Criteria.**

38. The FCC has established additional criteria that Missouri has adopted that all applicants must satisfy in order to be designated as an ETC. These criteria include:

- (1) a commitment and ability to provide the supported services throughout the designated area;
- (2) the ability to remain functional in emergency situations;
- (3) commitment to satisfy consumer protection and service quality standards;
- (4) offering local usage comparable to that offered by the incumbent local exchange carrier; and
- (5) an acknowledgement by the applicant that it may be required by the FCC to provide equal access if all other ETCs in the designated service area relinquish their designation pursuant to Section 214(e)(4) of the Act.<sup>25</sup>

39. 47 C.F.R. §54.202(a)(1) requires an ETC to commit to provide in a timely manner service throughout its designed service area to all customers who make a reasonable request for service.<sup>26</sup> If designated as a wireless ETC, Cintex will provide such service throughout its designed service area through a combination of its own facilities and the resale of services.

40. Section 54.202(a)(2) of the FCC’s rules and 4 CSR 240-3.570(2)(A)(4) require

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<sup>24</sup> 47 U.S.C. § 214(e)(1).

<sup>25</sup> See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371 (2005) (“ETC Order”).

<sup>26</sup> 47 C.F.R. § 54.202(a)(1) also requires the submission of a five-year plan demonstrating how high-cost universal service support will be used to improve the ETC’s coverage, service quality and capacity. This requirement, however, is inapplicable to this application, since Cintex is not seeking high-cost assistance.

that a carrier seeking to be designated an ETC demonstrate that it has the ability to remain functional in emergency situations.<sup>27</sup> Cintex has the same ability to remain functional in emergency situations as Sprint-Nextel, its underlying provider.

41. A carrier requesting designation as an ETC must “demonstrate that it will satisfy applicable consumer protection and service quality standards.”<sup>28</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>29</sup>

42. Cintex will comply with the Consumer Code and will satisfy consumer privacy protection standards in compliance with 4 CSR 240-3.570(2)(A)(8), 4 CSR § 240-3.570(2)(B), and 47 C.F.R. § 54.202(a)(3). A copy of the current version of the CTIA consumer code is attached as **Exhibit D**. Cintex will file with the Commission any updated versions of the code adopted by the CTIA within thirty (30) days of the changes. Cintex understands that the Commission will allow interested parties thirty (30) days to provide comment as to whether Cintex should be required to commit to the proposed changes or continue to abide by the consumer code for wireless service currently approved for Cintex.

43. In addition, Cintex will comply with consumer privacy protection standards as provided in 47 CFR § 64.2001 *et seq.* For example, 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 customer proprietary network information.<sup>30</sup>

44. As required by 4 CSR 240-3.570(2)(A)(10), Cintex will offer a local usage plan comparable to those offered by the incumbent local exchange carrier in the areas for which the

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<sup>27</sup> 47 C.F.R. § 54.202(a)(2); 4 CSR 240-3.570(2)(A)(4).

<sup>28</sup> 47 C.F.R. § 54.202(a)(3); 4 CSR 240-3.570(2)(A)(8).

<sup>29</sup> *Id.*

<sup>30</sup> 47 C.F.R. § 64.2009(e).

carrier seeks designation. Significantly, the requirement does not mean that the local usage plan offered by Cintex must be identical. The FCC explained as follows:

As the Commission has previously found, many ILECs offer unlimited local calling, but only to a few exchanges. In contrast, U.S. Cellular offers a limited number of minutes of use for a fixed fee but allows a customer to make calls to locations in most of the country. Some customers will benefit from the plan offered by the ILECs while other will benefit from the plan offered by U.S. Cellular. The customers can choose for themselves which plan they prefer. The commission's rule does not require U.S. Cellular to offer the same local usage calling plan as that offered by the ILECs. The rule requires only that their local usage calling plans be comparable. The Commission finds that the local usage plan offered by U.S. Cellular is comparable to the local usage plan offered by the ILECs and complies with the Commission's regulation.<sup>31</sup>

45. Cintex's Lifeline offering will be similar to that offered by U.S. Cellular, but will go further in that it will offer a bucket of free wireless minutes. Further, Cintex's Lifeline offering is very similar to that of TracFone's, which was approved by the commission.

46. Cintex commits to provide Lifeline and Link Up discounts consistent with 47 C.F.R. §54.401 and 47 C.F.R. §54.403.

47. As required by 4 CSR 240-3.570(2)(A)(9), Cintex will "provide equal access pursuant to 4 CSR 240-32.100(3) and (4) if all other ETCs in that service area relinquish their designations pursuant to section 214(e) of the Telecommunications Act of 1996."<sup>32</sup>

**E. Cintex Will Comply With All ETC Requirements and Conditions Imposed by the Commission on Other Wireless ETCs Offering Similar Plans.**

48. 47 C.F.R. §§54.409, 54.410, and 54.416 require ETCs to comply with the requirements of initial certification of eligibility and the verification of continued eligibility for participation in the Lifeline and LinkUp programs. Cintex commits that it will certify and verify consumer eligibility in accordance with applicable FCC rules governing both

<sup>31</sup> *In the Matter of the Application of USCOC of Greater Missouri, LLC for Designation as an Eligible telecommunications Carrier Pursuant to the telecommunications Act of 1996*, Report and Order, Case No. TO-2005-0384 (Missouri Pub. Serv. Comm'n: May 3, 2007).

<sup>32</sup> 4 CSR § 240-3.570(2)(A)(9).

certification and verification of Lifeline and LinkUp eligibility.<sup>33</sup>

49. In its TracFone Order, the Commission designated TracFone an ETC but required that TracFone satisfy eight conditions.<sup>34</sup> Cintex agrees to comply with each of those conditions, including the condition that it “require customers to provide documentation of participation in the applicable program(s) as identified on the application.”<sup>35</sup> Cintex already has processes and procedures in place to comply with this requirement since Cintex requires its Lifeline customers in the state of Rhode Island to provide documents proving eligibility.

50. Upon designation as a wireless ETC, Cintex will comply with all provisions of the Commission’s ETC rules, regulations and requirements.

51. Cintex is not seeking high-cost support for its wireless service, therefore certain requirements of the FCC and Missouri regulations concerning ETC applications specific to high-cost support are inapplicable, and Cintex hereby seeks waiver of those requirements. The requirements whose waiver is sought include 4 CSR 2403.570(2)(A)1-3 and 47 C.F.R. § 54.202(a)(1) (requiring filings regarding the intended use of high-cost support), 4 CSR 2403.570(2)(C) (plans for handling unusual construction or installation charges), 4 CSR 2403.570(3)(C)(3) (plans for extending the carrier’s network). No public utility will be affected by these waivers. The Commission may waive regulations based upon good cause. Good cause exists to waive the stated requirements as Cintex’s application is limited to seeking only federal low-cost USF support.

52. Because Cintex’s services are prepaid, it does not send its customers bills. Thus, 4 CSR 240-3.570(3)(A) requiring an ETC to develop a bill design that can be easily interpreted

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<sup>33</sup> See 47 C.F.R. § 54.409-10; 4 CSR 240-31.050.

<sup>34</sup> *TracFone Order*, 2009 Mo. PSC LEXSI 917 at \*4.

<sup>35</sup> *Id.*



by its customers and clearly sets forth charges in compliance with state and federal billing requirements does not apply. Accordingly, Cintex respectfully requests waiver of this provision. No public utility will be affected by this waiver. The Commission may waive regulations based upon good cause. Good cause exists to waive the stated requirement as Cintex's services are prepaid.

53. As required by 4 CSR 240-3.570(3)(B), Cintex posts its customer service contract on its website at [www.cintexwireless.com](http://www.cintexwireless.com). Cintex does not place customer service contract information on bills because it does not issue bills. Accordingly, Cintex respectfully requests waiver of the requirement to place customer service contract information on bills. No public utility will be affected by this waiver. The Commission may waive regulations based upon good cause. Good cause exists to waive the stated requirement as Cintex does not issue bills.

54. Cintex will make available the nine service features listed in 4 CSR 240-3.570(3)(C)(1). Each of these service features is discussed above.

55. Within thirty days of being designated an ETC by the Commission, Cintex will make an informational filing with the Commission describing all of its service offerings pursuant to 4 CSR 240-3.570(3)(D). Cintex will update this filing with the Commission if its service offerings are amended.

56. Pursuant to 4 CSR 240-3.570(3)(E), Cintex will maintain a record of customer complaints that have been received by the company in a manner that includes, at a minimum: the end-user name; the account number; a description of the complaint; the date the complaint was filed; the resolution; and the amount of refund or credit, if any. In addition, Cintex will maintain a record of complaints filed with the FCC in accordance with 4 CSR 240-3.570(3)(E).

57. As provided in section 240-3.570(3)(F), Cintex will notify the Commission in the event of a change in the company-designated contacts.

#### **IV. Cintex's Designation Will Serve The Public Interest.**

58. Although "Congress did not establish specific criteria to be applied under the public interest test,"<sup>36</sup> the FCC did establish that "the public interest benefits of a particular ETC designation" should be analyzed in a manner consistent with the Act's purposes, including the "goals of preserving and advancing universal service, ensuring the availability of quality telecommunications at just, reasonable, and affordable rates, and promoting the deployment of advanced telecommunications and information services to all regions of the nation, including rural and high-cost areas."<sup>37</sup> In addition, the FCC established that "it will consider a variety of factors in the overall ETC determination, including the benefits of increased consumer choice, and the unique advantages and disadvantages of the competitor's service offering."<sup>38</sup>

59. 4 CSR 240-3.570(2)(A)(5) requires a demonstration that the ETC designation would be consistent with public interest, convenience, and necessity. Cintex believes that providing discounted wireless service is consistent with the public interest and that Cintex's designation as an ETC is consistent with the public interest, convenience, and necessity, providing consumers with increased competitive choice through the offering of a unique service at rates that are just, reasonable, and affordable.

60. Cintex's Lifeline offering will provide low income Missouri consumers with increased competitive choice and the benefits of Cintex's unique Lifeline service. As discussed in above, Cintex intends to offer Missouri consumers 90 free minutes that roll over from month-

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<sup>36</sup> *ETC Order* at ¶ at ¶ 40.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at ¶ 41.

to-month. Moreover, Cintex will provide Missouri consumers with additional minutes at a low cost. This 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.

WHEREFORE, pursuant to Section 214(e)(2) of the Act, Cintex respectfully requests that the Commission enter an Order designating Cintex as a wireless ETC for purposes of receiving federal universal service support for Lifeline and LinkUp services, designating each of the wire centers attached as Exhibit B as a service area for purpose of determining universal service obligations and support mechanisms, waiving the provisions described in paragraphs 51-53 of this Application, directing the Executive Secretary to send appropriate notice of this order to the FCC and the Universal Service Administrative Company, and ordering such other relief as may be appropriate.

Respectfully submitted,

/s/ Mark P. Johnson

Mark P. Johnson      MBN 30740

Lisa A. Gilbreath      MBN 62271

SNR Denton US LLP

4520 Main Street, Suite 1100

Kansas City, Missouri 64111

(816) 460-2400

(816) 460-531-7545 (FAX)

ATTORNEYS FOR CINTEX WIRELESS,  
LLC

**DECLARATION OF CINTEX WIRELESS, LLC**

STATE OF Maryland

)ss.  
COUNTY OF Montgomery

I, Paul Greene, being duly sworn upon oath and of lawful age, depose and say that I am the CEO of Cintex Wireless, LLC; that I am authorized to make this verification on its behalf; that I have prepared this Declaration in support of the Application of Cintex Wireless, LLC for Designation as a Wireless Eligible Telecommunications Carrier; and that the foregoing Application is true and accurate to the best of my knowledge and belief.

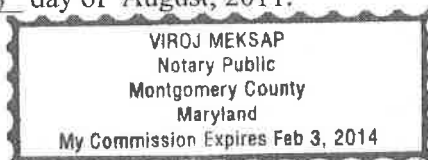
Cintex seeks designation as a wireless ETC for only low-income support from the federal Universal Service Fund ("USF"). Cintex provides the services which meet the requirements for federal ETC designation under Section 214(e).

Further affiant sayeth not.

Paul V. Greene Sept 8 2011  
Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this

8 day of September, 2011.



My Commission Expires:

[Signature]  
Notary Public

**EXHIBIT A**

**Certificate of Authority**

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

## CERTIFICATE OF REGISTRATION FOREIGN LIMITED LIABILITY COMPANY

WHEREAS,

*CINTEX WIRELESS LLC*  
*FL1165063*

Using in Missouri the name

*CINTEX WIRELESS LLC*

and existing under the laws of the State of Delaware has filed with this state its Application for Registration and whereas this Application for Registration conforms to the Missouri Limited Company Act.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, by virtue of authority vested in me by law, do hereby certify and declare that on the 23rd day of August, 2011, the above Foreign Limited Liability Company is duly authorized to transact business in the State of Missouri and is entitled to any rights granted Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto  
set my hand and cause to be affixed the  
GREAT SEAL of the State of Missouri.  
Done at the City of Jefferson, this  
23rd day of August, 2011.

*Robin Carnahan*

Secretary of State



File Number:

FL1165063

Date Filed: 08/23/2011

Robin Carnahan

Secretary of State



# State of Missouri

Robin Carnahan, Secretary of State

Corporations Division  
PO Box 778 / 600 W. Main St., Rm. 322  
Jefferson City, MO 65102

## Application for Registration of a Foreign Limited Liability Company

(Submit with filing fee of \$105.00)

- The name of the foreign limited liability company is CINTEX WIRELESS LLC
- The name under which the foreign limited liability company will conduct business in Missouri is (must contain "limited company", "limited liability company", "LC", "LLC", "L.C.", or "L.L.C.") (must be filled out if different from line (1)):  
  
\_\_\_\_\_
- The foreign limited liability company was formed under the laws of DELAWARE on the  
date of JUNE 29, 2007  
(month/day/year) (state or jurisdiction)
- The purpose of the foreign limited liability company or the general character of the business it proposes to transact in this state is:  
TELECOMMUNICATIONS
- The name and address of the limited liability company's registered agent in Missouri is (this line must be completed and include a street address):  
PACIFIC REGISTERED AGENTS, INC. 160 WHITE OAK ROAD, SELIGMAN, MO 65745  
Name Address (PO Box may only be used in conjunction with a physical street address) City/State/Zip  
*The Secretary of State is appointed agent for service of process if the foreign limited liability company fails to maintain a registered agent. Note: failure to maintain a registered agent constitutes grounds to cancel the registration of the foreign limited liability company.*
- The address of the registered office in the jurisdiction organized. If none required, then the principal office address of the foreign limited liability company is:  
CORPORATIONS & COMPANIES, INC. 910 FOULK ROAD, SUITE 201, WILMINGTON, DE 19803  
Name Address (PO Box may only be used in conjunction with a physical street address) City/State/Zip
- This application must include a current certificate of good standing/existence from the secretary of state or other similar official in the state of domicile. Such document should be dated within 60 calendar days from filing.

(Please see next page)

Name and address to return filed document:

Name: MEGAN HEWES C/O CORPCOAddress: 910 FOULK ROAD, SUITE 201City, State, and Zip Code: WILMINGTON, DE 19803

State of Missouri  
Creation - LLC/LP 3 Page(s)



T1123601034

In Affirmation thereof, the facts stated above are true and correct.

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

*Paul Green*  
Authorized Signature

PAUL GREEN  
Printed Name

8/23/2011  
Date

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



# *Delaware*

## *The First State*

PAGE 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "CINTEX WIRELESS LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRD DAY OF AUGUST, A.D. 2011.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "CINTEX WIRELESS LLC" WAS FORMED ON THE TWENTY-NINTH DAY OF JUNE, A.D. 2007.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE NOT HAVING BEEN CANCELLED OR DISSOLVED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.

4381064 8300

110885849



AUTHENTICATION: 8945994

DATE: 08-03-11

**EXHIBIT B**

**List of Exchanges for Which Wireless ETC Status is Sought**

ADRIAN  
ADVANCE  
AGENCY  
ALTENBURG-FROHNA  
ANTONIA  
ARCHIE  
ARGYLE  
ARMSTRONG  
ASH GROVE  
BEAUFORT  
BELL CITY  
BENTON  
BILLINGS  
BISMARCK  
BLOOMFIELD  
BLOOMSDALE  
BOONE TERRE  
BOONVILLE  
BOWLING GREEN  
BROOKFIELD  
CAMDENTON  
CAMPBELL  
CAPE GIRARDEAU  
CARDWELL  
CARL JUNCTION  
CARROLLTON  
CARTHAGE  
CARUTHERSVILLE  
CEDAR HILL  
CENTER  
CHAFFEE  
CHARLESTON  
CHESTERFIELD  
CHILlicoTHE  
CLARKSVILLE  
CLEVER  
CLIMAX SPRINGS  
CREVE COEUR  
DE KALB  
DE SOTO  
DEERING  
DELTA  
DEXTER  
DOWNING  
EAST PRAIRIE  
EDINA  
ELDON  
ELSBERRY  
ESSEX  
EUREKA

FAYETTE  
FENTON  
FISK  
FLAT RIVER  
FRANKFORD  
FREDERICKTOWN  
FREEBURG  
FESTUS-CRYSTAL CITY  
FULTON  
GIDEON  
GLASGOW  
GRAIN VALLEY  
GRAVOIS MILLS  
GRAY SUMMIT  
GREENWOOD  
HANNIBAL  
HARVESTER  
HAYTI  
HERCULANEUM-PEVELY  
HIGBEE  
HIGH RIDGE  
HILLSBORO  
HOLCOMB  
HORNERSVILLE  
IMPERIAL  
JACKSON  
JASPER  
JOPLIN  
KENNETT  
KIRKSVILLE  
KNOB NOSTER  
LA MONTE  
LAMAR  
LANCASTER  
LEADWOOD  
LILBOURN  
LINN  
LAKE OZARK-OSAGE BEACH  
LOCKWOOD  
LOUISIANA  
MACKS CREEK  
MALDEN  
MANCHESTER  
MARBLE HILL  
MARCELINE  
MARIONVILLE  
MARSHALL  
MARSTON  
MAXVILLE  
META

MONETT  
MONTGOMERY C  
MOREHOUSE  
NEOSHO  
NEVADA  
NEW MADRID  
MEW FRANKLIN  
OAK RIDGE  
OLD APPLETON  
ORAN  
PACIFIC  
PATTON  
PAYNESVILLE  
PERRYVILLE  
PIERCECITY  
POCOHONTAS-N  
POND  
POPLAR BLUFF  
PORTAGEVILLE  
PORTAGE DES S  
PUXICO  
QULIN  
RICHMOND  
RICHWOODS  
RISCO  
RUSHVILLE  
SAN ANTONIO  
SCOTT CITY  
SEDALIA  
SENATH  
SIKESTON  
SLATER  
SMITHVILLE  
ST CHARLES  
ST CLAIR  
ST JOSEPH  
ST MARYS  
STANBERRY  
STE GENEVIEVE  
TRENTON  
TUSCUMBIA  
UNION  
VALLEY PARK  
VERSAILLES  
VIENNA  
WALNUT GROVE  
WARDELL  
WARE  
WASHINGTON  
WEBB CITY

EXCELSIOR SPRINGS  
FARLEY  
FARMINGTON

MEXICO  
MOBERLY

WELLSVILLE  
WESTPHALIA  
WYATT

KANSAS CITY METROPOLITAN  
EXCHANGE

SPRINGFIELD METROPOLITAN  
EXCHANGE

ST LOUIS METRO  
EXCHANGE

## **EXHIBIT C**

### **Sample Advertisements**



## FREE PHONE AND FREE SERVICE ACT NOW – LIMITED SUPPLY

Dear Current Resident of Maryland,

You have been selected to receive a special offer for a **FREE wireless phone** and **FREE wireless minutes at NO cost to you**. This special offer requires no contract, no credit check, and no monthly bill. Cintex has been authorized by the Maryland Public Utilities Commission to offer this service which helps people in need receive telephone service.

At no cost to you, Cintex will provide the following service:

- **Free Wireless Phone**
- **Free Monthly Minutes for a Year**
- **Free Caller ID, Call Waiting, Call Forwarding, 3-Way Calling and Voicemail**

To qualify for this program you must participate in **at least one** government program. The government program(s) that qualify you for this special offer are the following:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Security Income (SSI)
- Temporary Cash Assistance (TCA)
- Electric Universal Service Program (EUSP)
- Medical Assistance (MA)
- Public Assistance to Adults (PAA)
- Temporary Disability Assistance Program (TDAP)
- Maryland Energy Assistance Program (MEAP)

**To receive this special offer, follow three simple steps:**



Fill out the enclosed application – we've provided an additional form for family or friends that may also qualify.



Sign the application and mail it to Cintex in the enclosed envelope (no postage necessary), or Fax to (301) 761-1625



Wait for your phone.

If you have questions regarding this process or would like additional information, please call 1-800-826-0337 or visit [www.CintexWireless.com](http://www.CintexWireless.com).

**EXHIBIT D**

**Consumer Code for Wireless Service**

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# CTIA

## Consumer Code *for* Wireless Service

To provide consumers with information to help them make informed choices when selecting wireless service, to help ensure that consumers understand their wireless service and rate plans, and to continue to provide wireless service that meets consumers' needs, the CTIA and the wireless carriers that are signatories below have developed the following Consumer Code. The carriers that are signatories to this Code have voluntarily adopted the principles, disclosures, and practices here for wireless service provided to individual consumers.

### THE WIRELESS CARRIERS THAT ARE SIGNATORIES TO THIS CODE WILL:

#### ONE

##### DISCLOSE RATES AND TERMS OF SERVICE TO CONSUMERS

For each rate plan offered to new consumers, wireless carriers will make available to consumers in collateral or other disclosures at point of sale and on their web sites, at least the following information, as applicable: (a) the calling area for the plan; (b) the monthly access fee or base charge; (c) the number of airtime minutes included in the plan; (d) any nights and weekend minutes included in the plan or other differing charges for different time periods and the time periods when nights and weekend minutes or other charges apply; (e) the charges for excess or additional minutes; (f) per-minute long distance charges or whether long distance is included in other rates; (g) per-minute roaming or off-network charges; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) whether a fixed-term contract is required and its duration; (k) any activation or initiation fee; and (l) any early termination fee that applies and the trial period during which no early termination fee will apply.

#### TWO

##### MAKE AVAILABLE MAPS SHOWING WHERE SERVICE IS GENERALLY AVAILABLE

Wireless carriers will make available at point of sale and on their web sites maps depicting approximate voice service coverage applicable to each of their rate plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage. All such maps will contain an appropriate legend concerning limitations and/or variations in wireless coverage and map



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usage, including any geographic limitations on the availability of any services included in the rate plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request and incorporate coverage maps from roaming partners that are generated using similar industry-accepted criteria, or if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

### THREE

#### **PROVIDE CONTRACT TERMS TO CUSTOMERS AND CONFIRM CHANGES IN SERVICE**

**W**hen a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier will provide or confirm the material terms and conditions of service with the subscriber.

### FOUR

#### **ALLOW A TRIAL PERIOD FOR NEW SERVICE**

**W**hen a customer initiates service with a wireless carrier, the customer will be informed of and given a period of not less than 14 days to try out the service. The carrier will not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return and/or exchange policies. Other charges, including airtime usage, may still apply.

### FIVE

#### **PROVIDE SPECIFIC DISCLOSURES IN ADVERTISING**

**I**n advertising of prices for wireless service or devices, wireless carriers will disclose material charges and conditions related to the advertised prices, including if applicable and to the extent the advertising medium reasonably allows: (a) activation or initiation fees; (b) monthly access fees or base charges; (c) any required contract term; (d) early termination fees; (e) the terms and conditions related to receiving a product or service for "free;" (f) the times of any peak and off-peak calling periods; (g) whether different or additional charges apply for calls outside of the carrier's network or outside of designated calling areas; (h) for any rate plan advertised as "nationwide," (or using similar terms), the carrier will have available substantiation for this claim; (i) whether prices or benefits apply only for a limited time or promotional period and, if so, any different fees or charges to be paid for the remainder of the contract term; (j) whether any additional taxes, fees or surcharges apply; and (k) the amount or range of any such fees or surcharges collected and retained by the carrier.

### SIX

#### **SEPARATELY IDENTIFY CARRIER CHARGES FROM TAXES ON BILLING STATEMENTS**

**O**n customers' bills, carriers will distinguish (a) monthly charges for service and features, and other charges collected and retained by the carrier, from (b) taxes, fees and other charges collected by the carrier and remitted to federal state or local governments. Carriers will not label cost recovery fees or charges as taxes.

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## SEVEN

### **PROVIDE CUSTOMERS THE RIGHT TO TERMINATE SERVICE FOR CHANGES TO CONTRACT TERMS**

**C**arriers will not modify the material terms of their subscribers' contracts in a manner that is materially adverse to subscribers without providing a reasonable advance notice of a proposed modification and allowing subscribers a time period of not less than 14 days to cancel their contracts with no early termination fee.

## EIGHT

### **PROVIDE READY ACCESS TO CUSTOMER SERVICE**

**C**ustomers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries and on carriers' web sites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

## NINE

### **PROMPTLY RESPOND TO CONSUMER INQUIRIES AND COMPLAINTS RECEIVED FROM GOVERNMENT AGENCIES**

**W**ireless carriers will respond in writing to state or federal administrative agencies within 30 days of receiving written consumer complaints from any such agency.

## TEN

### **ABIDE BY POLICIES FOR PROTECTION OF CUSTOMER PRIVACY**

**E**ach wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online.