

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF SOUTH CAROLINA**

In the Matter of the Application of True)
Wireless, LLC For Designation as an Eligible)
Telecommunications Carrier Pursuant to 47)
U.S.C. § 214(e))

DOCKET NO: 2011-89-C

DIRECT TESTIMONY OF BRIAN COX

I. INTRODUCTION; PURPOSE OF TESTIMONY

1
2 **Q. PLEASE STATE YOUR FULL NAME, BUSINESS ADDRESS AND POSITION.**

3 A. My name is Kevin Brian Cox, but I typically go by the name Brian Cox. My business
4 address is 3124 Brother Boulevard, # 104, Bartlett, TN 38133. I am the 100% owner of
5 True Wireless.

6 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

7 A. I am testifying on behalf of True Wireless.

8 **Q. PLEASE DESCRIBE YOUR BUSINESS EXPERIENCE.**

9 A. I have been involved in regulated telecom since 2004 and have a proven track record of
10 principle based growth in addition to maintaining high levels of customer service. I also
11 managed the creation of a customer support and operations center that staffed over 1,000
12 people. This service center also provided support to other competitive local exchange
13 carriers (CLECs) to provide tier 1 customer service 24/7, which was a first in the prepaid
14 industry and directly reflects my commitment to excellent customer service. My most
15 recent activities have included serving as President of Prepaidworx, a company that
16 distributes over \$3 million in wireless PINs (wireless prepaid cards) a month across the
17 Southeast and laying the groundwork for the launch of True Wireless.

1 **Q. PLEASE BRIEFLY DESCRIBE YOUR RESPONSIBILITIES FOR THE**
2 **APPLICANT.**

3 A. I am responsible for strategic planning and managing the day-to-day operations of the
4 Company, which also includes a wide variety of regulatory matters, including compliance
5 with both state and federal regulatory requirements.

6 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

7 A. I submit this testimony on behalf of True Wireless to demonstrate that the Application for
8 designation as an ETC in the state of South Carolina within the Designated Service Areas
9 provided therein meets appropriate regulatory criteria and is in the public interest.

1 **II. DESCRIPTION OF THE SERVICE**

2 **Q. PLEASE DESCRIBE THE TRUE WIRELESS' WIRELESS SERVICE**
3 **OFFERING.**

4 **A.** True Wireless is a wireless telecommunications carrier serving the basic telephone needs
5 of consumers. True Wireless provides Commercial Mobile Radio Services ("CMRS") to
6 qualifying low income consumers as an ETC in Oklahoma and Texas, and proposes to
7 provide these services in South Carolina. True Wireless ensures that these low income
8 consumers, who cannot afford the services provided by other wireless providers, can still
9 obtain wireless services at affordable prices.

10 **Q. DOES TRUE WIRELESS CURRENTLY PROVIDE SERVICE IN SOUTH**
11 **CAROLINA?**

12 **A.** No.

13 **Q. WHAT IS THE NATURE OF TRUE WIRELESS' ETC DESIGNATION**
14 **REQUEST?**

15 **A.** True Wireless requests ETC designation in South Carolina for the purpose of receiving
16 federal Low Income universal service support, *i.e.*, Lifeline and Link Up.

17 **Q. WHAT IS THE AREA IN WHICH TRUE WIRELESS REQUESTS**
18 **DESIGNATION AS AN ETC?**

19 **A.** True Wireless seeks ETC designation to serve the exchanges of the non-rural telephone
20 companies, *e.g.*, BellSouth and Verizon South, in the state of South Carolina.

21 **Q. IS TRUE WIRELESS PROPOSING DESIGNATION FOR PURPOSES OF**
22 **RECEIVING HIGH COST SUPPORT FROM THE FEDERAL USF?**

23 **A.** No. True Wireless is only seeking in this proceeding ETC designation for the purpose of
24 receiving low-income support from the federal USF.

25

1 **Q. IS TRUE WIRELESS PROPOSING DESIGNATION FOR PURPOSES OF**
2 **RECEIVING SUPPORT FROM THE SOUTH CAROLINA USF?**

3 A. No. As stated above, True Wireless is requesting only federal low income support.

4 **Q. WHAT ARE THE RATES AND TERMS OF TRUE WIRELESS' LOW INCOME**
5 **SERVICE OFFERING?**

6 A. True Wireless plans to offer three attractive pricing plans for nationwide calling for
7 customers qualifying for Low Income support: 68 minutes of nationwide calling for
8 \$13.50 per month (free to the customer after Lifeline discount); 350 minutes nationwide
9 for \$40 per month (\$26.50 per month to the customer after Lifeline discount); or
10 unlimited nationwide for \$63.50 per month (\$50 per month to customer after Lifeline
11 discount). Each package provides Low Income customers with local and long distance
12 calling, caller ID, call waiting, 3-way calling, call forwarding and voice mail.

13 **Q. WILL LOW INCOME CUSTOMERS BE REQUIRED TO PAY FOR**
14 **HANDSETS?**

15 A. No. True Wireless will provide wireless handsets without charge to customers qualifying
16 for Low Income support.

17 **Q. HOW WILL CUSTOMERS SIGN UP FOR SERVICE?**

18 A. True Wireless requires the customer to complete True Wireless' online application for
19 Lifeline and Link Up services. The online application will require the customer to certify
20 under penalty of perjury by way of electronic signature that the customer receives
21 benefits from at least one of the qualifying programs and identifies the program or
22 programs from which that customer receives benefits. If necessary, True Wireless will
23 modify this process to include the faxing of documentation for verification of eligibility
24 or other state specific processes.

1 **Q. HOW WILL THE CUSTOMER'S HANDSET BE ACTIVATED?**

2 A. Once a True Wireless customer receives his or her mobile handset, it can be activated by
3 calling True Wireless' toll-free activation number. The customer will be asked to enter
4 his or her unique activation code and zip code. Once activated, the customer will receive
5 a SMS message (at no cost to the customer) notifying the customer that the mobile
6 handset is ready for use.

7 **III. COMPLIANCE WITH ETC DESIGNATION REQUIREMENTS**

8 **Q. DOES TRUE WIRELESS MEET THE STATUTORY AND REGULATORY**
9 **REQUIREMENTS FOR ETC DESIGNATION?**

10 A. Yes.

11 **Q. PLEASE EXPLAIN.**

12 A. True Wireless meets the requirements for designation as an ETC as established under
13 federal law and FCC rules 47 U.S.C. § 214(e); 47 C.F.R. § 54.201 and Commission Rule
14 103-690.C. Specifically, True Wireless: (i) is a common carrier; (ii) will offer the
15 services supported by federal universal service support mechanisms as defined in 47
16 C.F.R. § 54.101(a); (iii) will use a combination of its own facilities and resold services to
17 provide the supported services; (iv) will provide the supported services throughout its
18 designated service area; (v) will advertise the availability of its universal service offerings
19 and charges for such offerings using media of general distribution; (vi) will make
20 available Low Income service to qualifying low income consumers; and (vii) will offer a
21 local usage plan comparable to the one offered by the incumbent LEC in its service area
22 in South Carolina.

1 **Q. IS TRUE WIRELESS A COMMON CARRIER IN THE AREAS FOR WHICH IT**
2 **SEEKS DESIGNATION IN THIS PROCEEDING?**

3
4 A. Yes. True Wireless will provide CMRS throughout its requested Designated Service
5 Area. As a CMRS provider currently providing service in Oklahoma and Texas, True
6 Wireless is regulated as a common carrier (47 C.F.R. § 20.9), subject to all applicable
7 regulations, and therefore meets the ETC requirement of being a common carrier.

8 **Q. WHAT ARE THE SUPPORTED SERVICES THAT TRUE WIRELESS MUST**
9 **COMMIT TO OFFERING?**

10
11 A. Under Commission Rule 103-690.C, True Wireless must commit to offering the nine
12 services set forth in FCC Rule 54.101(a). Specifically, these services are: (1) voice grade
13 access to the public switched telephone network; (2) local usage; (3) dual tone multi-
14 frequency (“DTMF”) signaling or its functional equivalent; (4) single party service or its
15 functional equivalent; (5) access to emergency services; (6) access to operator services;
16 (7) access to interexchange service; (8) access to directory assistance; and (9) toll
17 limitation for qualifying low-income consumers.

18 **Q. HOW WILL TRUE WIRELESS PROVIDE THESE SERVICES?**

19
20 A. These nine supported services will be provided in the following manner:

21 Voice Grade Access To The Public Switched Telephone Network

22 True Wireless will meet this requirement through its provision of mobile voice
23 communications service and interconnection to the public switched telephone network.

24 Local Usage

25 True Wireless commits to meeting this requirement by providing three attractive pricing
26 plans for nationwide calling for customers qualifying for Low Income: 68 minutes of

1 nationwide calling \$13.50 per month (free to the customer after Lifeline discount); 350
2 minutes nationwide for \$40 per month (\$26.50 pre month to the customer after Lifeline
3 discount); or unlimited nationwide for \$63.50 per month (\$50 per month to customer
4 after Lifeline discount). Each package provides Low Income customers with larger local
5 calling areas as well as long distance calling at competitive prices.

6 Dual Tone Multi-Frequency (“DTMF”) Signaling Or Its Functional Equivalent

7 True Wireless will meet this requirement by providing out-of-band digital signaling and
8 in-band multi-frequency signaling for call set-up and termination.

9 Single Party Service Or Its Functional Equivalent

10 As described in the Application, True Wireless provides a dedicated message path for the
11 length of a wireless user’s particular transmission.

12 Access To Emergency Services

13 True Wireless will meet this requirement by providing access to 911 service and meeting
14 all requests for access to E911 service through local public service answering points
15 (“PSAPs”).

16 Access To Operator Services

17 True Wireless will meet this requirement by providing access via a switch owned by True
18 Wireless, which will route customers to its call center.

19 Access To Interexchange Service

20 True Wireless will meet this requirement by providing its customers with the ability to
21 make and receive calls over interexchange network facilities. The FCC has determined

1 that wireless carriers are not required to provide equal access to interexchange service,
2 but may be required to provide equal access in certain special situations.¹

3 Access To Directory Assistance

4 True Wireless will meet this requirement by providing all of its customers with access to
5 directory listings through use of a “pound code.” In the next few months, True Wireless
6 customers will have access to directory assistance by dialing 411. True Wireless will
7 provide access to directory assistance via a switch owned by True Wireless, which will
8 route customers to its call center.

9 Toll Limitation For Qualifying Low-Income Consumers

10 True Wireless commits to meeting this requirement by offering service on a prepaid, or
11 pay-as-you-go, basis. Because True Wireless’ calling plans do not distinguish between
12 local or toll services, and offer nationwide calling, the prepaid nature of its service
13 offering works as an effective toll control.² True Wireless will provide this toll control to
14 qualifying low income consumers at no additional charge.

15 **Q. ARE THE SUPPORTED SERVICES TO BE OFFERED USING TRUE**
16 **WIRELESS’ OWN FACILITIES OR THROUGH A COMBINATION OF ITS**
17 **OWN FACILITIES AND RESOLD SERVICES OF OTHER CARRIERS?**

18
19 A. True Wireless will offer the supported services using a combination of its own facilities
20 and resale of another carrier’s services. These facilities are physical components of the
21 telecommunications network that are used in the transmission or routing of the service for
22 which support is requested. Because these facilities will include a switch owned by True

¹ *Id.* at ¶ 78.

² *In Re Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); etc.*, Order, 24 FCC Rcd 3381, 3394 at ¶ 34 (FCC rel. Mar. 5, 2009).

1 Wireless, the method by which True Wireless proposes to provision the supported
2 services is consistent with the FCC's rules.

3 **Q. WILL TRUE WIRELESS PROVIDE THE SUPPORTED SERVICES TO**
4 **CUSTOMERS THROUGHOUT THE PROPOSED DESIGNATION SERVICE**
5 **AREAS UPON REASONABLE REQUEST?**

6
7 A. Yes. True Wireless commits to provide the supported services throughout its Designated
8 Service Area, consistent with all applicable requirements, including the FCC's ETC
9 service provisioning requirements found in 47 C.F.R. § 54.202. True Wireless' service
10 area encompasses the service and coverage area of the carrier from which it anticipates
11 purchasing wholesale wireless services. To the extent a potential customer requests
12 service within True Wireless' Designated Service Area, but outside its anticipated
13 network coverage, True Wireless will, in cooperation with its carrier vendor, follow the
14 six-step process specified in 47 C.F.R. § 54.202(a)(1)(i) and in Commission Rule 103-
15 690.C (a)(1)(A). Specifically, True Wireless will determine if service can be provided
16 with the cooperation of its vendor at reasonable cost to the requesting customer by: (1)
17 modifying or replacing the requesting customer's equipment; (2) deploying a roof-
18 mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting
19 network or customer facilities; (5) reselling services from another carrier's facilities to
20 provide service; or (6) employing, leasing, or constructing an additional cell site, cell
21 extender, repeater, or other similar equipment.

22 **Q. WILL TRUE WIRELESS ADVERTISE THE AVAILABILITY OF SUPPORTED**
23 **SERVICES AND THE CHARGES FOR SUCH SERVICES?**

24
25 A. Yes. True Wireless commits to advertise the availability of, and charges for, the
26 supported services using media of general distribution. This advertising will occur

1 through some combination of media channels, such as television and radio, newspaper,
2 magazine and other print advertisements, outdoor advertising, direct marketing, and the
3 Internet. In addition, True Wireless will use appropriate media outlets to advertise its
4 universal service offerings in a manner consistent with applicable requirements. Indeed,
5 True Wireless submitted in the Application its two-year plan for advertising and outreach
6 programs for identifying, qualifying, and enrolling eligible participants in the Lifeline
7 program.

8 **Q. DOES TRUE WIRELESS COMMIT TO REMAINING FUNCTIONAL IN**
9 **EMERGENCY SITUATIONS?**

10
11 A. Yes. True Wireless is committed to providing and maintaining essential
12 telecommunications services in times of emergency. True Wireless, through its facilities
13 and its carrier vendor, commits to maintaining a reasonable amount of back-up power
14 without an external power source to ensure its service is able to function in emergency
15 situations, rerouting traffic around damaged facilities, and managing traffic spikes
16 resulting from emergency situations. Further, with respect to the portion of the supported
17 services that will be provided via resale of another carrier's facilities, that carrier is a large,
18 national carrier that is itself subject to various regulatory requirements to remain functional
19 in emergencies.

20 **Q. IS TRUE WIRELESS COMMITTED TO COMPLYING WITH APPLICABLE**
21 **CONSUMER PROTECTION AND SERVICE QUALITY STANDARDS?**
22

23 A. Yes, it is. In accordance with Commission Rule 103-690.C (a)(1)(C)(3), True Wireless
24 will comply with all applicable state and federal consumer protection and service quality
25 standards. If designated as an ETC, True Wireless will continue to provide service on a

1 timely basis to requesting customers within the Designated Service Area. Further, True
2 Wireless will abide by the CTIA’s Consumer Code for Wireless Service (“CTIA Code”).
3 True Wireless has already adopted the CTIA Code and is committed to compliance with
4 the CTIA Code throughout its service areas, including in those areas where it is seeking
5 designation as an ETC.

6 **Q. IS TRUE WIRELESS’ LOCAL USAGE PLAN COMPARABLE TO THOSE OF**
7 **THE ILECS IN SOUTH CAROLINA?**

8
9 **A.** Yes. Consistent with 47 C.F.R. § 54.202(a)(4) and Commission Rule 103-
10 690.C(a)(1)(C)(4), True Wireless offers a local usage plan comparable to those of the
11 incumbent local exchange carriers (“ILECs”) in its South Carolina service area. As
12 described above, True Wireless’ offering provides nationwide calling that is not limited
13 to a traditional local calling area. True Wireless will also offer a number of features to its
14 customers, including caller ID, call waiting and voicemail. True Wireless’ plans and
15 offerings therefore are comparable with those of the incumbent LECs.

16
17 **IV. PUBLIC INTEREST CONSIDERATIONS**

18 **Q. WILL TRUE WIRELESS’ LOW INCOME SERVICES BENEFIT SOUTH**
19 **CAROLINA CUSTOMERS?**

20 **A.** Yes. True Wireless meets all of the requirements for designation as an ETC by providing
21 the supported services, committing to serve all consumers throughout its Designated
22 Service Area, offering a Low Income service consistent with all applicable requirements,
23 advertising the availability of its universal service offerings, and furthering the goals of
24 the universal service program. Moreover, designation of True Wireless as an ETC

1 satisfies the public interest standard set forth in Commission Rule 103-690.C (b) because
2 consumers will benefit from competitive pricing and new services, such as True
3 Wireless' Low Income plan. As True Wireless expands its network in South Carolina,
4 consumers will benefit from a high level of service quality and more service options.
5 Access to wireless services is no longer a luxury, but a necessity for many economically
6 disadvantaged Americans. Low income consumers are mobile and transient, often
7 balancing multiple jobs and moving far more frequently than consumers with higher
8 incomes, making wireless telecommunications the only technology that truly suits their
9 needs in most cases. Because low income consumers spend less time during the day at a
10 fixed location, and even less time at a fixed location with a phone available for their use,
11 access to wireless telecommunications is of crucial importance to low income consumers.
12 True Wireless fulfills a critical role in the marketplace by ensuring that these low income
13 consumers, who cannot afford the services provided by other wireless providers, can still
14 access these important services. True Wireless' designation as an ETC will result in low
15 income consumers having greater access to wireless telecommunications services in
16 South Carolina, thereby advancing the basic goal of preserving and advancing universal
17 service.³ Indeed, True Wireless will pass through to its Low Income eligible customers
18 all the federal Low Income program discounts. Designating True Wireless as an ETC
19 will improve its ability to serve these customers, and thus will serve the public interest.

³ See 47 U.S.C. § 254(b).

1

V. CONCLUSION

2

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

3

A. Yes, it does.