

## **DATA REQUEST:**

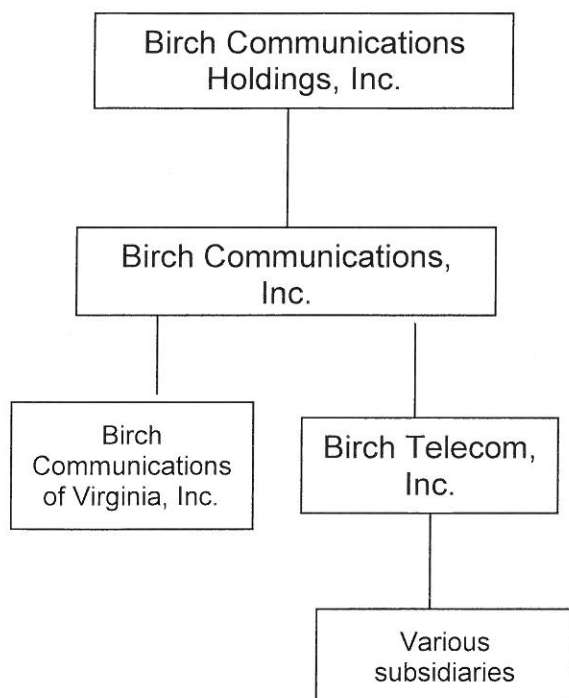
**If any of the requested information is already provided in your initial ETC application then respond to this data request by identifying the specific citation within your ETC application.**

**1. Please identify any individual or entity having a 10% or more ownership interest in the company.**

**Birch** - Birch Telecom of Missouri, Inc. dba Birch Missouri (“Birch”) is a wholly-owned subsidiary of Birch Telecom, Inc. (“Birch Telecom”).

**Birch Telecom** - Birch Communications, Inc. (“BCI”), a Georgia corporation with offices at 3060 Peachtree Road, NW, Suite 1065, Atlanta, GA 30305, owns a 100% voting and equity interest in Birch Telecom. BCI also owns a 100% voting and equity interest in Birch Communications of Virginia, Inc.

**BCI** - Birch Communications Holdings, Inc. (“Birch Holdings”) owns a 100% voting and equity interest in BCI. Birch Holdings is a Georgia corporation whose principal business is telecommunications holdings. The address for Birch Holdings is 3060 Peachtree Road, NW, Suite 1065, Atlanta, GA 30305. Below is Birch Holdings’ organizational chart:



The following entities and individuals hold a ten percent (10%) or greater direct or indirect ownership interest in Birch Holdings: (1) Holcombe Green, a U.S. citizen, owns a 66% voting and equity interest in Birch Holdings and (2) R. Kirby Godsey, a U.S. citizen, owns a 32% voting and equity interest<sup>1</sup> in Birch Holdings. The business address for both Mr. Green and Mr. Godsey is 3060 Peachtree St., NW, Suite 1060, Atlanta, GA 30305. None of the entities or individuals holding an interest in Birch or Birch Holdings hold any interests in other telecommunications-related entities.

**2. Please identify company management, officers and directors or any person exerting managerial control.**

The following individuals exercise managerial control over Birch:

- R. Kirby Godsey (Chairman of the Board)
- Vincent Oddo (President and Chief Executive Officer)

---

<sup>1</sup> R. Kirby Godsey holds his percentage through his individual holdings and through the R. Kirby Godsey 2008 Grantor Retained Annuity Trust.

- Christopher Aversano (Chief Operating Officer and Executive Vice President)
- Edward James (Chief Financial Officer and Senior Vice President)
- Christopher Ramsey (Senior Vice President – Chief Sales and Marketing Officer)
- Christopher J. Bunce (Senior Vice President, Legal, and General Counsel)
- Tom Stachowiak (Vice President, Information Technology)

**3. Please identify any affiliated companies and any companies with any common ownership or management with the applicant. This shall include any company that performs administrative or sales functions for the applicant. For any identified company indicate whether the company has ever received funds from the federal universal service fund or any state universal service fund.**

As explained in the response to subparagraph 1, Birch Holdings, BCI, Birch Telecom, and Birch Communications of Virginia, Inc. are affiliated companies with common ownership and management as Birch. Other wholly-owned subsidiaries of Birch Telecom with common ownership and management as Birch are: Birch Telecom of the South, Inc., Birch Telecom of the West, Inc., Birch Telecom of the Great Lakes, Inc., Birch Telecom of Oklahoma, Inc., Birch Telecom of Texas Ltd., LLP, Birch Telecom of Kansas, Inc., Birch Communications of the Northeast, Inc., Ionex Communications, Inc., Ionex Communications South, Inc., and Ionex Communications North, Inc.

**4. Describe any disciplinary action taken by the Federal Communications Commission or state regulatory agency in which the company, any person listed in subparagraphs 1 and 2 have been found to have violated any law, regulation or tariff provision, or settled a matter in which an assertion of such a violation was made.**

In 2009, BCI entered into a settlement agreement with staff of the California Public Utilities Commission (“PUC”) and paid approximately \$10,000 in connection with that settlement. This dispute was based on allegations that BCI did not provide a complete initial application to the California PUC when seeking authority to operate in the state. Specifically, it

was alleged that BCI did not include complete information regarding its predecessor's previous bankruptcy proceedings.

◆ In addition, BCI, Birch, and their affiliates infrequently are subject to slamming complaints, billing complaints, and other routine types of customer complaints that are filed with state and federal commissions. BCI, Birch, and their affiliates respond to those complaints and inquiries in the ordinary course and make every effort to resolve any disputes directly with the customer and without regulatory intervention. There have been a handful of formal customer complaints filed against BCI, Birch, or their affiliates at the state commission level, but each of those complaints has been resolved in the normal course. Neither Birch, BCI, or their affiliates have been subject to an abnormal number of enforcement proceedings given the significant number of customers they serve across 38 states and the more than 15 years they have been offering service.

There are no pending litigations or penalties resulting from any of these routine complaints, and no disciplinary action has been taken against BCI, Birch, or their affiliates at the state or federal level. None of the individuals listed in subparagraphs 1 and 2 have been subject to disciplinary action taken by FCC or state regulatory agency, nor have they been found to have violated any law, regulation or tariff provision, or settled a matter in which an assertion of such a violation was made.

**5. Confirm the company will comply with service provisioning requirements identified in 4 CSR 240-3.570(3)(A), (B) and (C).**

As explained in the Application (para. 49-53), Birch certifies that will comply with applicable service provisioning requirements identified in 4 CSR 240-3.570(3)(A), (B) and (C).

**6. Describe how service will be provided using the company's own facilities or a combination of its own facilities and the resale of another carrier's services.**



As explained in the Application (*see, e.g.*, para. 3), Birch will utilize the underlying services and network of Sprint to provide its prepaid wireless Lifeline service. Also, please see Birch's Compliance Plan as approved by the FCC, attached as **Exhibit D** to the Application.

**7. How does the company intend to provide service throughout the proposed service area including areas whereby the company lacks facilities or network coverage? Include a diagram of how local, directory assistance and interstate calls will be routed.**

As noted above, Birch is providing resold wireless service from Sprint as an MNVO. Pursuant to the *Connect America Fund Order*, the FCC has eliminated the requirement that ETC applicants modify, replace, adjust, or add equipment or facilities to encompass potential customers that are inside the applicant's licensed service area but outside its existing network coverage.<sup>2</sup> To the extent that a potential customer is within Sprint's licensed service area but outside of its existing network coverage, Birch will provide service.

**8. How will the company ensure service will be provided in a timely manner to requesting customers?**

Following receipt of a consumer's application information, verification of the customer's eligibility for Birch's prepaid wireless Lifeline service, and enrollment of the customer in the Lifeline program,<sup>3</sup> Birch will immediately ship a handset to that individual via overnight mail. The newly-enrolled consumer may begin using Birch's Lifeline service product after he or she activates the handset according to instructions provided with it. Birch will expedite the verification and enrollment processes to the best of its ability, while ensuring compliance with FCC Lifeline eligibility requirements intended to deter waste, fraud, and abuse.

**9. How will the carrier remain functional in emergency situations?**

---

<sup>2</sup> See *Connect America Fund Order* at 18199-18200.

<sup>3</sup> See WC Docket Nos. 09-197 and 11-42, *Birch Communications Inc. Compliance Plan Petition for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only*, Further Amended Compliance Plan of Birch Communications, Inc. (June 29, 2012) ("Compliance Plan") (attached as **Exhibit D** to the Application).

See the Application (para. 19-20).

**10. Describe the amount of back-up power available to ensure functionality without an external power source.**

See the Application (para. 19-20).

**11. Is the carrier able to reroute traffic around damaged facilities and capable of managing traffic spikes resulting from emergency situations? Explain.**

See the Application (para. 19-20).

**12. Describe the carrier's plans to advertise the availability of services and charges using media of general distribution throughout the ETC service area, including how the carrier will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service consistent with 47 CFR 54.405. Provide examples of Missouri advertisements, if available.**

See the Application (para. 15-16). Birch has attached a copy of draft advertisements hereto.

**13. Please describe your local usage plan that is comparable to those offered by the incumbent local exchange carrier in the areas for which you seek designation, including a description of the Lifeline and Link Up discounts and Missouri Universal Service Fund (MoUSF) discounts pursuant to 4 CSR 240-31, if applicable, at rates, terms and conditions comparable to the Lifeline and Link Up offerings and MoUSF offerings of the incumbent local exchange carrier providing service in the ETC service area.**

Pursuant to the *Connect Fund Order*, the FCC has eliminated the requirement that ETC applicants demonstrate that they offer a local usage plan comparable to the one offered by the incumbent local exchange carrier ("ILEC") in the service areas for which it seeks designation.<sup>4</sup> Section 54.202(a)(5) of the FCC's rules require a common carrier seeking ETC designation for Lifeline support to submit information describing the terms and conditions of the voice telephony plans offered to Lifeline subscribers, including details on the number of minutes

---

<sup>4</sup> See *Connect America Fund Order* at 18199-18200.

provided as part of the plan, additional charges for toll calls (if any), and rates for each such plan.<sup>5</sup> Birch has provided these terms and conditions in the Application (para. 25).

**14. Please identify the proposed service area.**

As a prepaid wireless reseller, Birch plans to operate within Sprint's wireless service area within the State of Missouri. Birch will submit a list of exchanges in its proposed service area as a supplement to the Application as **Exhibit C**.

**15. If your company has sought and obtained a waiver of any ETC requirement from the Federal Communications Commission then provide a copy of the FCC's decision.**

Birch submitted its Compliance Plan, attached to the Application as **Exhibit D**, in support of conditional forbearance from the federal requirements that a carrier seeking ETC designation must offer supported services using its own facilities or a combination of its own facilities and resale of another carrier's services.<sup>6</sup> On August 8, 2012, the FCC released WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, Public Notice, DA 12-1286 (rel. Aug. 8, 2012). Birch has attached a copy of this FCC order to the Application as **Exhibit E**.

**16. Please provide a copy of the consumer code for wireless service currently recognized by CTIA to which your company commits to abide.**

Birch has provided a copy of the consumer code for wireless service currently recognized by CTIA to which it commits to abide, attached to the Application as **Exhibit F**.

**17. Please identify any pending or completed state or federal proceedings concerning the company's or any affiliated company's improper participation in the universal service fund program. Provide copies of any judgments or decisions against the company or affiliated company.**

---

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

<sup>6</sup> 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

There are no pending or completed state or federal proceedings concerning improper participating in the USF program against BCI, Birch, or their affiliates.

**18. Does your company collect a deposit from a low-income subscriber if the consumer voluntarily elects toll limitation service?**

No. As explained more fully in the Application (para. 11), Birch's prepaid wireless Lifeline service is offered on a nationwide basis, and does not distinguish between toll and non-toll calls. To the extent a customer implements toll control for international calls, a deposit will not be required.

**19. Does your company charge a low-income subscriber a monthly number portability charge?**

No. As explained more fully in the Application (para. 25), Birch's prepaid wireless Lifeline service is offered at no charge to qualifying Missouri consumers.

**20. Please provide an explanation of the monthly support the applicant intends to seek from federal and state universal service funds for providing service to a low-income subscriber. This explanation should breakdown support into Tier One, Tier Two and Tier Three as identified in FCC rules. If the applicant intends to seek Tier Three support by the carrier's own contribution rather than from the Missouri USF then ensure the explanation addresses this intent.**

In the *Lifeline Reform Order* (§ 54), the FCC eliminated the tier system and established a uniform, flat-rate reimbursement for Lifeline support. Birch will seek reimbursement from the federal universal service fund consistent with FCC mandates.

**21. Please provide an explanation of the nonrecurring or LinkUp support the applicant intends to seek from the federal universal service fund for initiating service to a low-income subscriber. This explanation must also identify the nonrecurring charge applied to a subscriber not participating in the low-income program.**

In the *Lifeline Reform Order* (§ 245), the FCC eliminated LinkUp support on non-Tribal lands for all ETCs.

**22. Please provide a copy of the company's proposed Lifeline/LinkUp application form.**

**Attachment A** to Birch's Compliance Plan is an initial draft of Birch's prepaid wireless Lifeline enrollment and certification forms. Birch is continuing to refine these documents and will make any necessary changes to the extent the FCC or the Universal Service Administrative Company ("USAC") issue additional guidance on the language to be contained on enrollment and certification forms.

**23. Please provide an explanation of how the company will verify the following information for each low-income applicant:**

- A. Customer's identity is correct;**
- B. Customer's primary residence is accurate; and**
- C. Customer does not already participate in the low-income program.**

Birch currently offers wireline Lifeline services as a non-ETC reseller, and is therefore intimately familiar with the FCC's procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping. Birch plans to build on that expertise in offering its prepaid wireless Lifeline service offering as an ETC. Birch has implemented the FCC's *Lifeline Reform Order* rule changes into its existing wireline, non-ETC Lifeline program.<sup>7</sup> Birch will utilize the same processes outlined below for both its prepaid wireless Lifeline service (as an ETC) and its wireline Lifeline service (as a non-ETC reseller) to the extent applicable.

**Consumer Eligibility**

Until a national database is available, Birch will utilize available state-level databases to verify eligibility for its prepaid wireless Lifeline service offering as required under the FCC's rules. Where state-level database technology is not available, Birch will require potential customers to provide their proof of eligibility documentation directly to Birch (either via facsimile, U.S. mail, electronic mail, or through a Birch-authorized third-party dealer as

---

<sup>7</sup> BCI recently received and executed a certification form from AT&T, its underlying provider for its resold Lifeline services, in which BCI certified its compliance with the FCC's *Lifeline Reform Order* requirements for Birch's provision of wireline Lifeline services as a non-ETC reseller.

discussed below). New subscribers can be added to the Lifeline program through Birch internal sales agents or through Birch-authorized third-party dealers. Birch currently utilizes approximately 100 third-party dealers for its wireline Lifeline product (non-ETC reseller), and plans to offer its wireless Lifeline product at those same locations plus additional locations that would be frequented by the target audience for Lifeline services. Birch's current third-party dealers include check cashing locations, grocery stores, computer stores, independent telephone retailers, storage facilities, beauty supply stores, and pawn shops. Once wireless Lifeline service is implemented, Birch plans to add independent wireless retailers and mall kiosks to its potential third-party dealer locations.

In the internal sales agent situation, the potential subscriber would provide its eligibility documentation to Birch and would complete the enrollment and certification form in paper format, via third-party verification (or "TPV"), or via electronic signature as described in the "Enrollment and Certification" section below. As described in more detail below, the handset would then be shipped to the customer after Birch verifies the customer's eligibility to obtain a Lifeline product and has obtained all necessary certifications from the customer. The flow-chart in Attachment B-1 to Birch's Compliance Plan provides more detail on the process using internal sales agents.

At the third-party retail location, a potential subscriber can provide its eligibility information in-person to the third-party dealer, which will then be transmitted to Birch for review as explained below. The potential subscriber can also complete the enrollment and certification form discussed further below and a draft of which is set forth in Attachment A to Birch's Compliance Plan. As described in more detail below, the handset would then be shipped to the customer after Birch verifies the customer's eligibility to obtain a Lifeline product and has

obtained all necessary certifications from the customer. The flow-chart in Attachment B-2 provides more detail on the process using third-party retail locations. To ensure compliance with the FCC's one-per-household and other Lifeline eligibility requirements, Birch will require its third-party dealers to have their employees participate in quarterly webinars to receive training (and re-training) on FCC-compliance requirements for Lifeline services. Birch will also supply each third-party dealer with copies of written materials providing detailed information on the FCC's Lifeline compliance requirements. Birch will then require the third-party dealer to sign documentation certifying that all employees selling Birch Lifeline services have read the Lifeline compliance requirements provided by Birch, understand the Lifeline compliance requirements, and will comply with the Lifeline compliance requirements. Birch will conduct periodic audits and random checks of its third-party dealers to ensure compliance with the FCC's rules.

It is important to note that, even when a customer signs up for Lifeline service through a third-party dealer, eligibility information provided by potential consumers will be reviewed by appropriate Birch personnel pursuant to Birch's internal policies for review of Lifeline eligibility documents. Until such time as there is adequate database access allowing third-party dealers to confirm eligibility automatically through FCC-sanctioned databases, all initial eligibility determinations will be made by Birch personnel. And even after third-party dealers have access to eligibility databases, Birch will review and verify a consumer's eligibility prior to seeking reimbursement for that customer.

As part of confirming a potential customer's eligibility, Birch personnel will also confirm that there is no Lifeline duplication. Birch will take two steps to prevent duplicate Lifeline subsidies within its own subscriber base. First, Birch will review its own service records to ensure the potential customer is not currently receiving a Lifeline service from Birch. Second,



Birch will utilize available state-level databases and the national database to be created to ensure the potential customer is not currently receiving a Lifeline service from any other carrier. Birch will promptly investigate any notification it receives from a state, the Commission, or USAC that one of its Lifeline customers is improperly receiving service. Birch will also update any required databases within one (1) business day of de-enrolling a consumer.<sup>8</sup> The flow-chart set forth in Attachment B-4 provides additional detail on the de-enrollment process described herein.

Detailed information regarding the documents provided by the potential customer and Birch's review of the documentation will be included in the customer's account information as kept in Birch's internal recordkeeping system. Any actual documentation provided by the potential customer will be destroyed or returned to the customer upon request.<sup>9</sup>

### **Enrollment and Certification**

Once Birch determines a potential customer is eligible to receive a Lifeline service product, Birch will proceed to enroll the customer in its prepaid wireless Lifeline program and obtain the necessary certifications under the FCC's rules (this can be done by an internal Birch sales agent or a Birch-authorized third-party dealer as explained above). In its current wireline Lifeline service offering (as a non-ETC reseller), Birch utilizes TPV to enroll customers and confirm their certification for Lifeline eligibility in addition to paper enrollment/certification forms. Birch plans to continue utilizing TPV for its prepaid wireless Lifeline service product<sup>10</sup> to the extent Birch can ensure all FCC-required information is included in the TPV without the process becoming too unwieldy for the potential customer. Birch also plans to make paper forms available for enrollment/certification and also is looking to develop an online portal that potential

---

<sup>8</sup> *Lifeline Reform Order* ¶ 257.

<sup>9</sup> *Lifeline Reform Order* ¶ 101.

<sup>10</sup> The Commission has recognized TPV is an acceptable method for obtaining such information. *See Lifeline Reform Order* ¶ 169.



customers could access via any Internet connection, including at their local libraries or social service organizations for electronic signature of the required documentation.

As part of the enrollment/certification process, Birch will first obtain the relevant contact information from the potential customer: (a) full name; (b) full residential address; (c) whether the residential address is permanent or temporary; (d) billing address if different than residential; (e) date of birth, (f) last 4 digits of Social Security Number; (g) if qualifying under federal or state assistance program, which program; and (h) if qualifying under income-based criteria, the number of individuals in the household. Birch will also require the customer to indicate whether the household is shared, which would trigger the use of the Lifeline Household Worksheet developed by USAC (included as part of Birch's draft enrollment and certification form set forth in Attachment A to Birch's Compliance Plan). Birch will also confirm that the customer understands its information may be shared with USAC as necessary under the FCC's rules and to ensure there is no duplication of Lifeline benefits.

Next, Birch will utilize its TPV script or the paper form (or online portal once developed) to address each of the certifications required under the FCC's rules. The certifications will be addressed through individual questions, each to be answered by the customer before moving any further in the TPV script<sup>11</sup> or each to be initialed by the customer on the paper form (or each to be individually acknowledged in an online format):

- Certifying, under penalty of perjury, that the consumer meets the Lifeline eligibility requirements because either the household receives benefits from a qualifying state or

---

<sup>11</sup> The customer will be required to answer "Yes" to these questions on the recorded TPV to enroll in Birch's prepaid wireless Lifeline program. TPV recordings are searchable by confirmation number and primary telephone number assigned to the customer. TPV confirmation numbers will be stored in the order and account notes associated with the customer.

federal assistance program (and naming the program) or has income at or below 135% of the Federal Poverty Guidelines;

- Certifying, under penalty of perjury, that the consumer has presented documentation to Birch that accurately represents the consumer's household income or participation in the program;
- Certifying, under penalty of perjury, that the consumer will notify Birch within 30 days when it is no longer eligible for Lifeline service, whether because the consumer no longer qualifies, it has another Lifeline supported service, or for any other reason, and confirming that the customer understands failure to so notify Birch may subject it to penalties;
- Certifying, under the penalty of perjury, that the information the consumer is providing to Birch is true and correct to the best of its knowledge;
- Certifying, under the penalty of perjury, that the consumer understands that providing false or fraudulent information to receive Lifeline benefits is punishable by law;
- Certifying, under penalty of perjury, that the consumer understands it will be required to annually re-certify its continued eligibility for Lifeline at any time and that failure to do so will result in the termination of the consumer's Lifeline benefits;
- Certifying, under penalty of perjury, that the consumer will provide its new address to Birch within 30 days of moving;
- Certifying, under penalty of perjury, that the consumer will be required to verify its temporary address every 90 days if the subscriber provides a temporary residential address when initially enrolling;

- Certifying, under penalty of perjury that the subscriber's household is receiving no more than one Lifeline-supported service, that the consumer receives Lifeline-supported service only from Birch, and to the best of the consumer's knowledge no one else in the subscriber's household is receiving a Lifeline-supported service;
- Certifying that the consumer understands that Lifeline is a government benefit and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program;
- Certifying that the consumer understands that Lifeline is a non-transferrable benefit, and that an eligible Lifeline subscriber may not transfer its phone service to anyone else, not even someone who is also eligible;
- Certifying that the consumer understands that non-usage of its prepaid wireless Lifeline service from Birch for any consecutive 60-day period of time will result in de-enrollment and deactivation of the service; and
- Certifying that the consumer understands that (a) Lifeline is a federal benefit; (b) Lifeline service is available for only one line per household; (c) 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; (d) a household is not permitted to receive Lifeline benefits from multiple providers; and (e) violation of the one-per-household rule constitutes a violation of FCC rules and will result in the consumer's de-enrollment from the program and could result in criminal prosecution by the United States government.

Birch will ensure its TPV script and paper documentation is written in clear, easily understood language. Birch will retain its TPV recordings and copies of its paper enrollment/certification documentation for at least five (5) years.

Once all eligibility determinations and documentation requirements are complete, Birch will ship the handset to the customer via overnight delivery to the address listed on the enrollment form. Birch will require the customer to take affirmative steps to “personally activate” the service, either by requiring the customer to use the handset to activate the Lifeline service or to complete an outgoing call.<sup>12</sup> If service is not initiated, Birch will not consider the consumer to be enrolled in the Lifeline program and Birch will not request Lifeline reimbursement until the subscriber personally activates its service.<sup>13</sup> The flow-charts in Attachments B-1 and B-2 to Birch’s Compliance Plan provide more detail on the certification process using both internal sales agents and third-party dealers.

**24. Please provide a demonstration of how the company will ensure an applicant submits proof of eligibility and a company official will verify seeing such proof.**

See Birch’s response to subparagraph 23.

**25. Please provide an explanation of how the company intends to annually verify a customer’s continued eligibility for the low-income program.**

Birch’s systems are capable of tracking and flagging the anniversary of a Lifeline customer’s start date. Birch plans to utilize this anniversary date to ensure its Lifeline customers re-certify their eligibility to participate in the Lifeline program once a year. Birch will utilize state-level databases or the national database to the extent available to re-certify customers. Until that time, Birch plans to contact its prepaid wireless Lifeline customers via written notification, and is exploring the ability to utilize text messaging, automated voicemail, and TPV

---

<sup>12</sup> *Lifeline Reform Order* ¶ 260.

<sup>13</sup> *Lifeline Reform Order* ¶ 257.

re-certification procedures. Any customers that do not re-certify within the 30-day window will be de-enrolled from Birch's prepaid wireless Lifeline service within five (5) business days after the expiration of the subscriber's time to respond to Birch's re-certification efforts as required by FCC's rules, which is explained in more detail in Birch's Compliance Plan.<sup>14</sup> Birch will retain any TPV recordings, paper forms, copies of text message, or other documentation for re-certification for at least five (5) years. The flow-chart in Attachment B-3 to Birch's Compliance Plan provides more detail on the annual re-certification process.

**26. Please provide copies of the company's bill demonstrating clear bill design for Lifeline subscribers and other subscribers. Alternatively if a company does not intend to submit a bill to a Lifeline subscriber then provide the following information:**

**A. An explanation of the process for determining if the customer is actually using the service; and**

**B. An explanation of the process for terminating the customer's enrollment in the Lifeline program if it appears the customer is not using the service. Include in this explanation specific time frames**

As explained in the Application (para. 25), Birch's prepaid wireless Lifeline service product is offered at no charge to qualifying consumers. Thus, Birch does not anticipate utilizing bills in providing prepaid wireless Lifeline service to Missouri consumers.

As part of its de-enrollment procedures, Birch will comply with the FCC's 60-day non-usage policy. Specifically, Birch will not consider a consumer to be enrolled, and Birch will not seek reimbursement for that consumer, until the consumer activates its service in the first instance.<sup>15</sup> Further, Birch will de-enroll and not seek reimbursement for any consumer whose service is inactive for a consecutive 60-day period.<sup>16</sup> Birch will define "usage" consistent with FCC rules. Specifically, the following activities will constitute "usage" of Birch's prepaid wireless Lifeline service: (1) completion of an outbound call; (2) purchase of minutes to add to

---

<sup>14</sup> 47 C.F.R. § 54.405(e)(4).

<sup>15</sup> 47 C.F.R. § 54.404(b)(10).

<sup>16</sup> *Lifeline Reform Order* ¶ 257.

the subscriber's service plan; (3) answer of an incoming call from a party other than Birch or its representative; and (4) response to direct contact from Birch and confirmation that the consumer seeks to continue receiving the Lifeline service.<sup>17</sup> Birch will run usage reports for each customer to determine non-usage over a period of 60 consecutive days. Despite a consumer's "usage" as defined herein and in the FCC's rules, Birch will continue to comply with its existing public safety obligations to transmit all wireless 911 calls regardless of subscriber inactivity even if Birch is no longer providing Lifeline service to that consumer.<sup>18</sup>

When a customer has been identified for de-enrollment for non-usage, a letter will be sent to the customer, and the customer will have 30 days to respond. Birch will allow 15 calendar days for mail delivery and handling, and a 30-day notice period thereafter. Birch will run usage monitoring reports on the customers who have been noticed and de-enroll the customer if usage is not reflected on their account by the 30th day. On the 31st day, Birch will de-enroll the customer by placing a Local Service Request with the supporting local exchange carrier to remove the Lifeline USOC to prevent further credits and remove the credit supplied by Birch to the end user from the billing system. The flow-chart set forth in Attachment B-5 to Birch's Compliance Plan provides more information on the process for de-enrollment for non-usage.

As explained in Birch's response to subparagraph 23, Missouri consumers must certify their understanding of this non-usage provision as a prerequisite to obtaining Birch's prepaid Lifeline service product.

---

<sup>17</sup> 47 C.F.R. § 54.407(c)(2); *Lifeline Reform Order* ¶ 261.

<sup>18</sup> *Lifeline Reform Order* ¶ 262.







# HOT 103 JAMZ!

Prepaid  
Home Phone Service  
Starting at \$15.99!

Now You're Talking

**NW**  
COMMUNICATIONS

- No contracts
- No credit checks
- No problem



**Home Phone Service  
Starting at \$15.99!\***

*Now You're Talking*

**NW**<sup>SM</sup>  
COMMUNICATIONS

The logo for NW Communications, featuring a large stylized 'NW' in white with a yellow sun-like graphic in the 'W', and the word 'COMMUNICATIONS' in white capital letters below it, all on a blue background.



# CLEAR

AUTHORIZED

RETAILER

UTER

REPAIR

WE DO  
VIRUS  
REMOVAL



*Now You're Talking*

**NOW**  
COMMUNICATIONS

1663

OPEN

**CLEAR** 

STORE HOURS  
MONDAY - FRIDAY  
10:00 AM - 6:00 PM  
SATURDAY  
10:00 AM - 4:00 PM  
800-296-6267

monthly 4G  
\$50  
Unlimited  
Talk, Text  
& Data







**NEW**  
Prepaid Home Phone Service  
Starting at  
**\$15.99!**  
Call 1-800-NEW-1599



**NEW**  
Prepaid Home Phone Service  
Starting at  
**\$15.99!**  
Call 1-800-NEW-1599

**NEW**  
Prepaid Home Phone Service  
Starting at  
**\$15.99!**  
Call 1-800-NEW-1599

**NEW**  
Prepaid Home Phone Service  
Starting at  
**\$15.99!**  
Call 1-800-NEW-1599



# Now You're Talking <sup>SM</sup>

# NEW

## COMMUNICATIONS



Now You're Talking  
**NOW**  
COMMUNICATIONS

*Stop & Shop FOOD MART*

**ATM**



ONLY

\$509 \$429

ONLY  
TOWED

ONLY  
TOWED

376



Home phone starting at \$15<sup>99</sup>

**800-4-A-PHONE**

**(800-427-4663)**

**Free install, no credit checks.**

Price includes Lifeline discount. Additional terms and conditions apply. Please talk with your NOW sales professional for more information.

*Now You're Talking*<sup>™</sup>

**NOW**<sup>SM</sup>  
COMMUNICATIONS

**NOW Communications  
pricing in Missouri  
with Lifeline discount\*:**

**\$18.54 - Value Line Package**  
includes local residential line charge,  
and Unlimited Local Calling.

**\$21.54 - NOW Basic Package**  
includes local residential line charge,  
Unlimited Local Calling, Caller ID,  
and Call Waiting.

**\$27.54 - NOW Basic 300 Package**  
includes local residential line charge,  
Unlimited Local Calling, Caller ID,  
and Call Waiting, and 300 minutes  
of Long Distance for only  
\$6.00 more per month over  
the Basic Package.

**\$54.54 - Essentials Package**  
includes local residential line charge,  
Unlimited Local Calling, Caller ID,  
Call Block, Call Forwarding, Call Return  
Call Tracing, Call Waiting, Speed Calling,  
Three-Way Calling, and 2000 minutes of  
Long Distance per month.

*\*Pricing subject to change*

**Become a Dealer  
for  
NOW Communications**

**Prepaid  
Home Phone Service**

*Now You're Talking*



Jermond Ersery  
2300 Main Street, Suite 340  
Kansas City, MO 64108  
jermond.ersery@birch.com  
877-600-1565





## **Program Overview:**

The Now Communications Dealer program offers small businesses a way to generate additional revenue by offering prepaid local telephone service within the Now Communications sellable footprint.

The program offers commission payments for both sales and for ongoing payments.

### **Benefits to you:**

- Leverage your existing walk-in customer traffic to generate additional revenue.
- No changes required for your current business processes.
- No waiting for commission checks - electronic commissioning process is fast and paperless.
- Real-time order tracking and payment tracking is available 24 hours, 7 days a week.
- Dealer setup is fast and easy.
- Dedicated dealer support at your fingertips!

### **Sales Process:**

It's simple. Offer your existing base of customers an additional service that will save them money. Enter the sales into the web-based NOW Portal provided to you at no charge.

Your sales will be processed by our trained Order Assurance Team. Once your customer's service is established and the sale is marked "complete," your sale is eligible for commission payment. Any orders rejected are available in real time through the NOW Portal for your review.

### **Continuance Payments:**

Keep your customers coming back to you by accepting their continuance payments at your location! Use the NOW portal to process payments quickly and easily.

### **You get paid for every payment you take!**



### **Start making money right away!**

#### **Commission Payment:**

Commissions are made through electronic bank transfer. NOW Communications will perform ACH transactions weekly against a bank account that you designate, collecting payments that you have taken from NOW Customers minus any commission due to you.

### **What Now Communications Provides:**

#### **Now sales and payment portal**

Easy to learn and easy to use, the web-based sales and payment portal makes it easy for you to make money!

#### **Support**

We have a dedicated support staff ready to help you with any questions you have along the way.

#### **Marketing Materials**

Fliers, posters, pricing sheets and co-marketing available.

#### **Other details**

- The NOW Communications program is strictly a pay-for-performance plan. You will be compensated based on the number of lines installed and billed.
- You will be asked to quote 3-6 business days to customers for installation of telephone services.
- NOW Communications offers Lifeline discounts for those who qualify. Forms are provided to you and can also be found on our web site at [www.nowcommunications.com](http://www.nowcommunications.com)
- Actual price paid by the customer varies by state and by municipality. However, the NOW Portal will give you exact pricing based on the service location.
- Training will be provided to you at no charge.

***NOW Communications is looking for long-standing program partners, not short-term campaigns.***

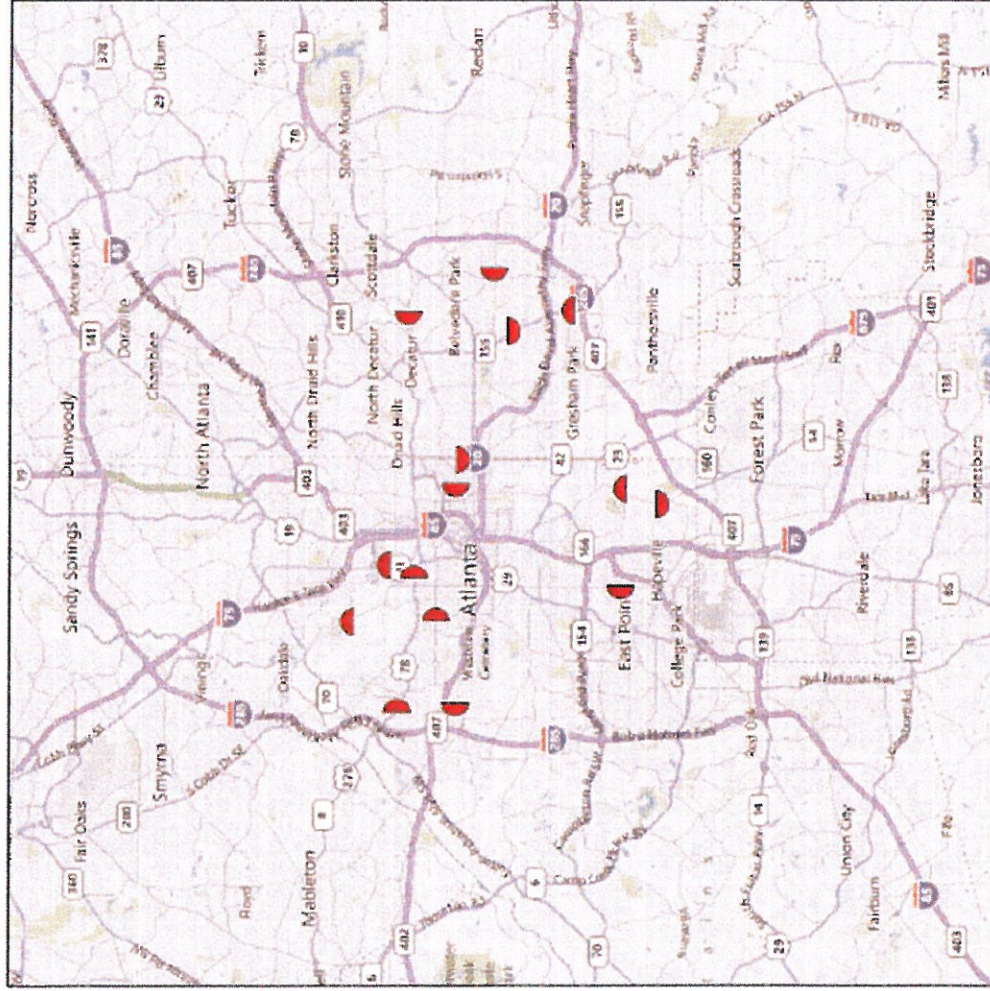
***Curious about becoming a NOW Communications Dealer? Contact me today: 877-600-1565***

| Outdoor Display Detail |                                  |                |                       |             |            |            |         |               |         |      |   |
|------------------------|----------------------------------|----------------|-----------------------|-------------|------------|------------|---------|---------------|---------|------|---|
| Face #                 | Description                      | Posting Market | Scheduled Dates       | Sched. Days | Show. Days | Over. Days | P. Type | Area          | Media   | Ill. | F |
| 0001176-1              | Hemphill St S/O 14th St W/S      | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y    | S |
|                        | Design                           | Posted Date    | Covered Date          |             |            |            |         |               |         |      |   |
|                        | HOME PHONE (NOW)                 | 7/25/2011      |                       |             |            |            |         |               |         |      |   |
| 0003036-3              | East College Ave W/O Pine St N/S | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Dekalb County | Posters | Y    | E |
|                        | Design                           | Posted Date    | Covered Date          |             |            |            |         |               |         |      |   |
|                        | HOME PHONE (NOW)                 | 7/25/2011      |                       |             |            |            |         |               |         |      |   |
| 0003191-2              | Glenwood Ave E/O Columbia Dr S/S | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Dekalb County | Posters | Y    | E |
|                        | Design                           | Posted Date    | Covered Date          |             |            |            |         |               |         |      |   |
|                        | HOME PHONE (NOW)                 | 7/25/2011      |                       |             |            |            |         |               |         |      |   |
| 0004120-2              | Jonesboro Rd & Macedonia Rd W/S  | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y    | N |
|                        | Design                           | Posted Date    | Covered Date          |             |            |            |         |               |         |      |   |
|                        | HOME PHONE (NOW)                 | 7/25/2011      |                       |             |            |            |         |               |         |      |   |
| 0004221-3              | Flat Shoals Rd & Candler Rd E/S  | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Dekalb County | Posters | Y    | S |
|                        | Design                           | Posted Date    | Covered Date          |             |            |            |         |               |         |      |   |
|                        | HOME PHONE (NOW)                 | 7/25/2011      |                       |             |            |            |         |               |         |      |   |
| 0004223-1              | Candler Rd S/O Macfee Rd E/S     | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Dekalb County | Posters | Y    | N |
|                        | Design                           | Posted Date    | Covered Date          |             |            |            |         |               |         |      |   |
|                        | HOME PHONE (NOW)                 | 7/25/2011      |                       |             |            |            |         |               |         |      |   |
| 0004236-2              | Moreland Ave S/O Wylie St W/S    | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y    | N |
|                        | Design                           | Posted Date    | Covered Date          |             |            |            |         |               |         |      |   |
|                        | HOME PHONE (NOW)                 | 7/25/2011      |                       |             |            |            |         |               |         |      |   |



| Outdoor Display Detail |  |                |                       |             |            |            |         |               |         |        |                           |
|------------------------|--|----------------|-----------------------|-------------|------------|------------|---------|---------------|---------|--------|---------------------------|
| Face #                 | Description                                | Posting Market | Scheduled Dates       | Sched. Days | Show. Days | Over. Days | P. Type | Area          | Media   | Ill. F | 7-day EO, 18+ DEC ('000s) |
| 0004254-3              | Jonesboro Rd N/O Cleveland Atlanta Ave E/S | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | N S    | 19,575 5.09               |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/25/2011      |                       |             |            |            |         |               |         |        |                           |
| 0005197-1              | Cleveland Ave & Elsinore St S/S            | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 9          | 0          | Regular | Fulton County | Posters | Y E    | 51,306 15.06              |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/27/2011      |                       |             |            |            |         |               |         |        |                           |
| 0006064-1              | Simpson Rd W/O Chappel Rd N/S              | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y W    | 24,240 6.65               |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/25/2011      |                       |             |            |            |         |               |         |        |                           |
| 0006083-1              | Bankhead Ave E/O Chestnut St N/S           | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y W    | 31,331 13.16              |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/25/2011      |                       |             |            |            |         |               |         |        |                           |
| 0006194-1              | Marietta Blvd S/O Carroll Dr W/S           | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y S    | 41,814 13.06              |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/25/2011      |                       |             |            |            |         |               |         |        |                           |
| 0006325-2              | Bankhead Hwy E/O Field Rd S/S              | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y W    | 49,061 15.01              |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/25/2011      |                       |             |            |            |         |               |         |        |                           |
| 0006414-4              | Mik, Jr Dr W/O Linkwood Rd N/S             | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y E    | 56,315 17.42              |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/25/2011      |                       |             |            |            |         |               |         |        |                           |
| 0008112-4              | Edgewood Ave W/O Krog St N/S               | Atlanta        | 7/25/2011 - 8/21/2011 | 28          | 11         | 0          | Regular | Fulton County | Posters | Y E    | 24,662 5.43               |
|                        | Design                                     | Posted Date    | Covered Date          |             |            |            |         |               |         |        |                           |
|                        | HOME PHONE (NOW)                           | 7/25/2011      |                       |             |            |            |         |               |         |        |                           |

Contract Map



August 4, 2011

Neal Spencer 770-375-6026



# Birch Communications

Sampling Photo

Face # 0001176-1 - Hemphill St S/O 14Th St W/S



Photo taken on: 7/24/2012

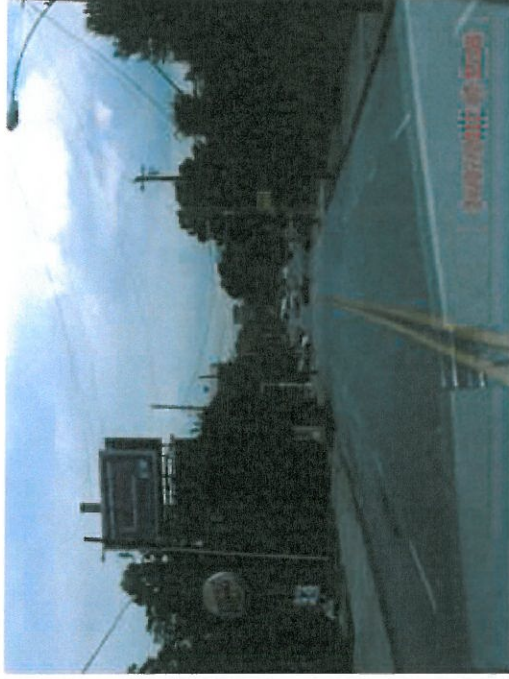


Photo taken on: 7/24/2012

August 4, 2011

Neal Spencer 770-375-6026

# Birch Communications

Sampling Photo

Face # 0003036-3 - East College Ave W/O Pine St N/S



Photo taken on: 7/25/2011

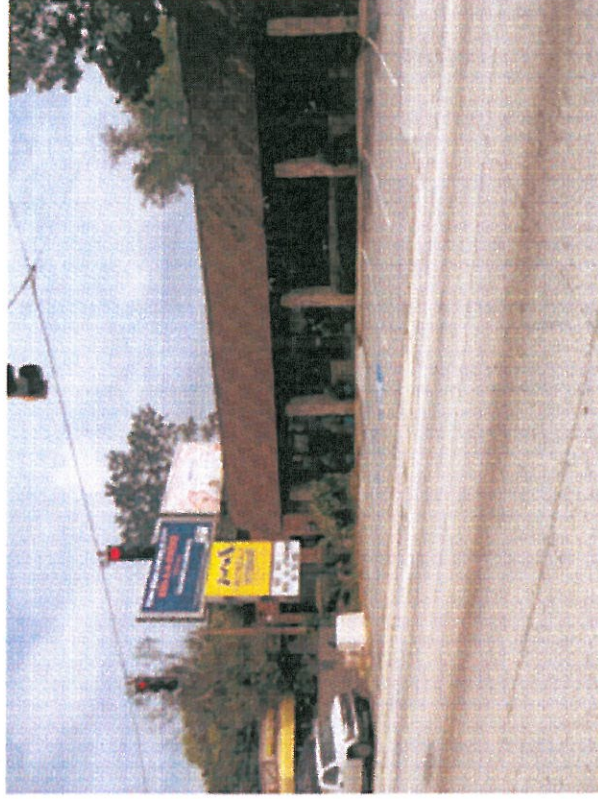


Photo taken on: 7/25/2011

August 4, 2011

Neal Spencer 770-375-6026



# Birch Communications

Sampling Photo

Face # 0005197-1 - Cleveland Ave & Elsinore St S/S

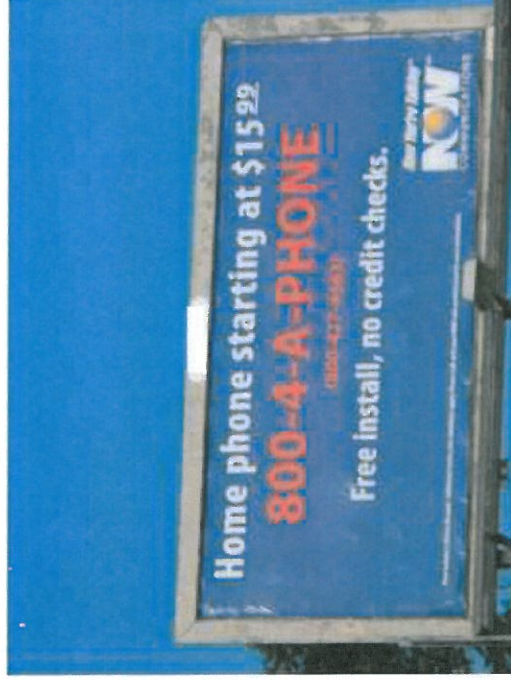


Photo taken on: 7/27/2011



Photo taken on: 7/27/2011

August 4, 2011

Neal Spencer 770-375-6026

# Birch Communications

Sampling Photo

Face # 0006064-1 - Simpson Rd W/O Chappel Rd N/S



Photo taken on: 7/25/2011



Photo taken on: 7/25/2011

August 4, 2011

Neal Spencer 770-375-6026

# Birch Communications

Sampling Photo

Face # 0006083-1 - Bankhead Ave E/O Chestnut St N/S



Photo taken on: 7/25/2011



Photo taken on: 7/25/2011

August 4, 2011

Neal Spencer 770-375-6026



# Birch Communications

Sampling Photo

Face # 0006194-1 - Marietta Blvd S/O Carroll Dr W/S



August 4, 2011

Neal Spencer 770-375-6026