

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, APRIL 22, 2024

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APPLICATION OF

IM TELECOM, LLC  
D/B/A INFINITI MOBILE

CASE NO. PUR-2024-00005

For designation as an eligible  
telecommunications carrier

FINAL ORDER

On January 8, 2024, IM Telecom, LLC d/b/a Infiniti Mobile ("INFINITI" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") pursuant to 47 U.S.C. § 214(e)(2), §§ 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),<sup>1</sup> Chapter 436 of the 2022 Virginia Acts of Assembly,<sup>2</sup> 5 VAC 5-20-100 A of the Commission's Rules of Practice and Procedure,<sup>3</sup> and the Commission's Rules Governing Designation of a Commercial Mobile Radio or Cellular Telephone Service Provider as an Eligible Telecommunications Carrier,<sup>4</sup> requesting that the Commission enter an order designating INFINITI as an eligible telecommunications carrier ("ETC") in the

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<sup>1</sup> 47 C.F.R. §§ 54.101-54.207.

<sup>2</sup> Codified at § 56-479.4 of the Code of Virginia ("Code").

<sup>3</sup> 5 VAC 5-20-10 *et seq.*

<sup>4</sup> 20 VAC 5-430-10 *et seq.* ("ETC Lifeline Wireless Rules").

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Commonwealth of Virginia.<sup>5</sup> Specifically, INFINITI requested ETC designation solely to provide Lifeline service<sup>6</sup> to qualifying Virginia consumers.<sup>7</sup>

The Company stated that it is a provider of commercial mobile radio service and provides prepaid wireless services to consumers by using the underlying wireless networks of AT&T Mobility, Verizon Wireless, and T-Mobile USA, Inc., on a wholesale basis.<sup>8</sup> INFINITI requested ETC designation that is statewide in scope to allow the Company to provide Lifeline service wherever its underlying, facilities-based providers have wireless coverage, including federally recognized tribal lands.<sup>9</sup>

In support of the Application, INFINITI stated that it is currently designated as a Lifeline-only wireless ETC in: California, Georgia, Kentucky, Maryland, Nevada, New York, Oklahoma, Pennsylvania, South Carolina, Vermont, and Wisconsin.<sup>10</sup>

INFINITI stated that its Lifeline-supported voice and broadband services will meet or exceed the minimum services standards set forth in 47 C.F.R. § 54.408.<sup>11</sup> The Company stated it will provide affordable prepaid mobile phone service, including calling, text messaging, and broadband access, along with user-friendly handsets, tablet or hotspot devices.<sup>12</sup> INFINITI

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<sup>5</sup> See, e.g., Application at 1, 19-21.

<sup>6</sup> The FCC's Lifeline program is administered by the Universal Service Administrative Company ("USAC"), and provides a discount on phone service for qualifying low-income consumers. See <https://www.fcc.gov/general/lifeline-program-low-income-consumers>.

<sup>7</sup> Application at 2, 12.

<sup>8</sup> *Id.* at 5.

<sup>9</sup> *Id.* at 12.

<sup>10</sup> *Id.* at 5.

<sup>11</sup> *Id.* at 16.

<sup>12</sup> *Id.* at 6.

stated that it will manage all aspects of the customer experience, including setting service pricing, handset selection, marketing materials, and customer service, and that the Company's prepaid pricing will give many low-income consumers the option of having mobile phone service and broadband access without the burden of hidden costs, varying monthly charges, or contractual commitments.<sup>13</sup> INFINITI stated that in addition to wholly supported or discounted wireless services, prepaid Lifeline customers will receive access to voicemail, caller ID and call waiting features at no additional charge; that all of the Company's plans will include nationwide domestic long-distance at no extra per-minute charge; and the Company will not assess any usage for access to its free customer services (611) or emergency (911) calls.<sup>14</sup>

INFINITI further stated that it satisfies the requirements for designation as an ETC under 47 C.F.R. §§ 54.201 and 54.202; will provide service consistent with the FCC's grant of forbearance from 47 U.S.C. § 214's facilities requirement; and will provide all the supported services required by the FCC for participation in the Lifeline program, including voice telephony and broadband Internet access service.<sup>15</sup>

On February 12, 2024, the Commission issued an Order for Notice and Comment that, among other things, directed INFINITI to provide notice of its Application to the public, local exchange carriers certificated to provide service in Virginia, and the tribal government and tribal regulatory authority, as applicable, governing any federally recognized tribal lands in the Commonwealth of Virginia; established a schedule by which interested parties could file

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<sup>13</sup> *Id.* at 6-7.

<sup>14</sup> *Id.* at 16-17.

<sup>15</sup> *Id.* at 8-21.

comments, objections, or requests for hearing; and directed the Staff of the Commission ("Staff") to conduct an investigation and file a report ("Staff Report").

On February 29, 2024, INFINITI filed its proof of the notice and service directed by the Commission's Order for Notice and Comment. The Commission did not receive any comments, objections, or requests for hearing on INFINITI's Application.

On April 8, 2024, Staff filed its Staff Report, which detailed Staff's review of INFINITI's Application for ETC designation for purposes of participating in the Lifeline program. Staff did not oppose the Commission granting ETC designation to INFINITI that is statewide in scope to allow the Company to provide Lifeline service wherever its underlying carriers have wireless coverage, including federally recognized tribal lands. Staff recommended that certain requirements be included in any order granting INFINITI an ETC designation for Lifeline services pursuant to Code § 56-479.4.<sup>16</sup> Specifically, Staff recommended that:

- INFINITI should file or update necessary product guides for Lifeline services consistent with FCC requirements;
- INFINITI should be required to comply with all requirements and criteria of the FCC and USAC for participation in the Lifeline program; and
- INFINITI should be required to send a copy of the Final Order to the tribal governments or regulatory authorities governing federally recognized tribal lands in Virginia within thirty (30) days of issuance.<sup>17</sup>

Further, Staff stated that if the Commission granted INFINITI's request for ETC designation, the Company would be subject to the Commission's ETC Lifeline Wireless Rules.<sup>18</sup>

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<sup>16</sup> Staff Report at 11.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

On April 11, 2024, INFINITI filed a letter stating the Company will not be filing a response to the Staff Report. In its filing, INFINITI requested that the Commission grant the relief requested in the Company's Application along with the conditions recommended by Staff.

NOW THE COMMISSION, upon consideration of the foregoing and of the applicable law, is of the opinion and finds that INFINITI's request for ETC designation to provide Lifeline service to qualifying Virginia consumers and receive federal universal service support for Lifeline service provided pursuant to 47 U.S.C. § 214 (e) and associated federal regulations should be granted, subject to the requirements imposed herein as recommended by Staff. Further, we find that, as requested by INFINITI, the Company's Lifeline-only ETC designation should be statewide in scope to allow the Company to provide Lifeline service wherever its underlying facilities-based providers have wireless coverage, including federally recognized tribal lands in the Commonwealth of Virginia.

Accordingly, IT IS ORDERED THAT:

(1) Pursuant to Code § 56-479.4, INFINITI's request for ETC designation to provide Lifeline service to qualifying Virginia consumers and receive federal universal service support for Lifeline service provided pursuant to 47 U.S.C. § 214 (e) and associated federal regulations is granted.

(2) INFINITI's Lifeline-only ETC designation is, as requested, statewide in scope to allow the Company to provide Lifeline service wherever its underlying facilities-based providers have wireless coverage, including federally recognized tribal lands in Virginia.

(3) INFINITI shall send a copy of this Final Order to the tribal governments or regulatory authorities governing federally recognized tribal lands in Virginia within thirty (30) days of issuance.

(4) INFINITI shall comply with all requirements and criteria of the FCC and USAC for participation in the Lifeline program, this Final Order, and the Commission's ETC Lifeline Wireless Rules.

(5) INFINITI shall file or update necessary product guides for Lifeline services consistent with FCC requirements.

(6) This case is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.