

*Missouri Public Service Commission*  
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**Missouri Public  
Service Commission**

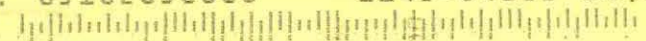
Blue Jay Wireless, LLC  
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Addison, TX 75010

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 11<sup>th</sup> day of  
January, 2017.

In the Matter of Southwestern Bell Telephone )  
Company, d/b/a AT&T Missouri's Notice of )  
Relinquishment of its Eligible Telecommunications )  
Carrier Designation Pursuant to 47 U.S.C. §214(e)(4) )  
And Notice of Withdrawal from State Lifeline and )  
Disabled Programs )

File No. IO-2017-0132

**ORDER CONFIRMING AT&T MISSOURI'S RELINQUISHMENT OF ITS  
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

Issue Date: January 11, 2017

Effective Date: February 10, 2017

On October 28, 2016, Southwestern Bell Telephone Company, d/b/a AT&T Missouri, filed a Notice of Relinquishment of its Eligible Telecommunications Carrier Designation Pursuant to 47 U.S.C. §214(e)(4) and Notice of Withdrawal from State Lifeline and Disabled Programs. The company proposes to stop enrolling new Lifeline and Disabled Program customers by March 31, 2017, and will relinquish its ETC designation effective on July 5, 2017. AT&T Missouri asks the Commission to confirm its relinquishment by order issued by January 13, 2017.

The Commission directed notice of AT&T Missouri's filing to all local exchange carriers in Missouri, and to all telecommunications carriers currently designated as ETCs in Missouri. It also directed that applications to intervene be filed by November 18. No such applications to intervene have been filed.

At the request of its Staff, the Commission also issued a press release to inform the public about AT&T Missouri's proposed relinquishment. Subsequently, the Commission collected multiple comments from the public expressing concern about AT&T's decision.

Staff filed its recommendation about AT&T Missouri's relinquishment decision on December 9. Staff explains that AT&T Missouri has chosen to relinquish its ETC status throughout the country; this decision is not limited to Missouri. According to Staff, recent reforms to the Lifeline program are likely to discourage continued participation in the Lifeline program. The FCC is attempting to refocus the Lifeline program toward making broadband service more affordable for low-income consumers. Consequently, it will be gradually phasing-out federal lifeline support for standalone voice service beginning December 1, 2019, continuing through December 1, 2021. ETCs receiving high-cost federal Universal Service Fund (USF) support will continue to be obligated to offer Lifeline support in those high-cost areas. But AT&T Missouri does not currently receive high-cost support in Missouri, and if it does receive such support in the future, it will only offer Lifeline support in those high-cost areas.

Staff explained that Missouri does not have any statute or regulations regarding relinquishment of ETC status, rather such matters are controlled by federal statute and regulation. 47 U.S.C. Section 214(e)(4) and FCC rule 47 CFR Section 54.205 provide that a state commission "shall permit" an ETC carrier to relinquish its ETC designation in any area served by more than one ETC carrier.

Staff's recommendation indicates there is at least one other ETC in all areas served by AT&T Missouri. However, all such ETCs offer only wireless Lifeline support. There are no other ETCs that offer landline Lifeline support in areas currently served by AT&T

Missouri. Further, Staff indicates it is unclear whether any company in AT&T Missouri's territory will continue to offer voice Lifeline support following recent FCC reforms to the Lifeline program.

Staff explained that AT&T Missouri will also cease to participate in Missouri's Disabled program, which offers a \$6.50 monthly discount for landline service to disabled persons in this state. The Disabled program is a state-funded program in which wireless telecommunications carriers are not eligible to participate. Missouri's regulations do not require AT&T Missouri, or any other carrier, to participate in the Disabled program. When AT&T Missouri ceases to participate in the Disabled program, the 193 customers who currently receive that discount from the company will no longer be able to receive that discount.

Staff concludes that AT&T Missouri has met the limited requirements of federal law in that there are alternative ETCs in the areas it serves. Staff recommends that the Commission acknowledge AT&T Missouri's relinquishment of its ETC status. Staff also recommends that the Commission direct AT&T Missouri to modify its proposed notice to Disabled program customers to ensure those customers are not misled into believing that they may retain their discount through another provider.

Public Counsel responded to Staff's recommendation on December 19. Public Counsel is concerned that AT&T Missouri has not demonstrated that all current Lifeline customers will continue to be served with a comparable service if AT&T Missouri relinquishes its ETC status, as the other ETCs offer only wireless service. Public Counsel asks the Commission to order Staff to further investigate and to order AT&T Missouri to respond to the public comments that the Commission has received. Public Counsel also

asks the Commission to hold local public hearings in areas throughout AT&T Missouri's service areas to gather more public comments.

AT&T Missouri replied to Public Counsel's concerns on December 29. AT&T Missouri reiterates its position that it has met the limited requirements necessary to relinquish its ETC status. It emphasizes that it will not be discontinuing any services in Missouri. All its current customers will be able to retain their current service; they just will no longer receive the Lifeline discount for that service.

The Commission is mindful of the concerns raised by the customers who will be affected by AT&T Missouri's decision, and by the Office of the Public Counsel. But the Commission has only those powers that have been conferred upon it by the legislature and does not have the power to order AT&T Missouri to continue to retain its ETC status, except in the limited circumstances established by law. After reviewing the results of Staff's investigation as described in its recommendation, the Commission finds that AT&T Missouri has met the requirement of federal law to relinquish its ETC status because the areas it currently serves are served by more than one ETC. Under that circumstance, the Commission must permit AT&T Missouri to relinquish its ETC status.

**THE COMMISSION ORDERS THAT:**

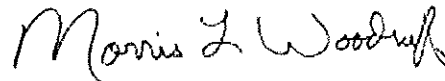
1. Southwestern Bell Telephone Company, d/b/a AT&T Missouri may relinquish its Eligible Telecommunications Carrier Designation pursuant to 47 U.S.C. §214(e)(4) and may withdraw from the State Lifeline and Disabled Programs, effective July 5, 2017.
2. Southwestern Bell Telephone Company, d/b/a AT&T Missouri may cease enrolling new customers into the Lifeline and Disabled programs effective March 31, 2017.

3. Southwestern Bell Telephone Company, d/b/a AT&T Missouri shall modify its notice to Disabled program customers to inform them, at least sixty days before July 5, 2017, that they will be unable to retain their "disabled" discount through another provider.

4. The Commission's data center shall provide a copy of this order to the remaining ETCs providing service in Southwestern Bell Telephone Company, d/b/a AT&T Missouri's service territory, as identified in Staff's recommendation.

5. This order shall become effective on February 10, 2017.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary



Hall, Chm., Stoll, Kenney,  
Rupp, and Coleman, CC., concur.

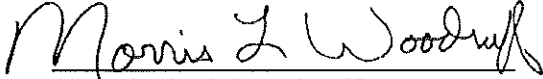
Woodruff, Chief Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 11<sup>th</sup> day of January 2017.

  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**January 11, 2017**

**File/Case No. IO-2017-0132**

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*Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).*

*Sincerely,*

  
**Morris L. Woodruff**  
Secretary

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.