

**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

APPLICATION OF)
NEXUS COMMUNICATIONS, INC. DBA TSI)
FOR DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER) File No. RA-2009-0375
IN THE STATE OF MISSOURI FOR THE)
LIMITED PURPOSE OF OFFERING WIRELESS)
LIFELINE AND LINK UP SERVICE)
TO QUALIFYING HOUSEHOLDS)

NEXUS' APPLICATION FOR REHEARING

Nexus Communications, Inc., d/b/a TSI (“Nexus”, the “Company”), pursuant to Missouri Revised Statutes, § 386.500 and 4 CSR 240-2.160, files this Application for Rehearing regarding the Order Granting Designation as an Eligible Telecommunications Carrier (“ETC”), issued August 26, 2009. The stated effective date of the Order is September 5, 2009.

1. Nexus appreciates the Commission’s determination that designating it as an ETC would serve the public interest and it looks forward to promptly offering its wireless Lifeline service to qualified low income Missouri households.

2. There is one aspect of the Commission’s order which warrants rehearing. By this Application, Nexus seeks rehearing of the Commission’s denial of Nexus’ request at the July 7, 2009 on-the-record presentation for waiver of the Commission rule 4 CSR 240-31.050(3), which sets forth customer certification requirements for enrollment in Lifeline service. The Commission’s Lifeline certification rule requires customers seeking to enroll in Lifeline service to provide documentation of participation in qualifying programs and requires ETCs to develop a process for recording the type of documentation received and to develop a process for returning or destroying the documentation once recorded.

3. Nexus waiver request was conditioned upon the Commission’s granting of a similar waiver in File No. TA-2009-0327. The Commission denied the waiver in that case. The

applicant in File No. TA-2009-0327 has filed an Application for Rehearing of the Commission's denial of its request for a waiver of 4 CSR 240-31.050(3). Should the Commission grant rehearing in File No. TA-2009-0327, Nexus also requests rehearing on the same issue because the same rules should apply to similarly situated wireless ETCs. Nexus adopts by reference, the arguments advanced by the TA-2009-0327 applicant in its application for rehearing.

4. Rule 4 CSR 240-31.050(3) deviates from the corresponding federal Lifeline enrollment rule in important respects and imposes undue and unnecessary burdens on consumers seeking to avail themselves of federal Lifeline benefits. The federal rule promulgated by the Federal Communications Commission ("FCC") allows consumers to self-certify, under penalty of perjury, that they receive benefits from qualifying programs, to be eligible to receive Lifeline service.¹ Requiring Nexus customers to supply documents to prove their Lifeline eligibility imposes an unreasonable and unjust burden on low income Missouri customers. The Commission's denial of Nexus' request for waiver of Missouri certification rules, in lieu of allowing Nexus to comply with the FCC Lifeline certification rule (47 C.F.R. § 54.409(d)) is unlawful, unreasonable, and unjust as well as unnecessary to protect the interest of Missouri ratepayers. Accordingly, that denial should be reconsidered on rehearing.

¹ 47 C.F.R. § 54.409(d).

Respectfully submitted,

/s/ Roger W. Steiner

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Application was sent via e-mail on this 4th day of September, 2009, to counsel of record.

/s/ Roger W. Steiner

Attorney for Applicant