

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

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

**APPLICATION OF NEXUS COMMUNICATIONS, INC., DBA TSI FOR  
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE  
STATE OF MISSOURI FOR THE LIMITED PURPOSE OF OFFERING WIRELESS  
LIFELINE AND LINK UP SERVICE TO QUALIFYING HOUSEHOLDS**

Comes now Nexus Communications, Inc., d/b/a TSI (“Nexus”, the “Company”), and submits this Application for Designation as an Eligible Telecommunications Carrier (“ETC”) in Missouri, pursuant to Section 214(e)(2) of the Telecommunications Act of 1996<sup>1</sup>, (“1996 Act”, “the Act”), 47 U.S.C. § 214(e)(2), Section 54.201 of the Rules of the Federal Communications Commission (“FCC”), 47 CFR § 54.201, Report and Order in CC Docket No. 96-45<sup>2</sup>, 4 CSR 240.060 and 4 CSR 240-3.570. The Applicant seeks ETC designation solely to provide wireless Lifeline and Link Up service to qualifying Missouri consumers; it will not seek access to funds from the federal Universal Service Fund (“USF”) for the purposes of providing service to high cost areas. As demonstrated herein Nexus meets all the statutory and regulatory requirements for designation as an ETC in the State of Missouri. Nexus respectfully requests that the Missouri Public Service Commission (“Commission”) grant this Application and that it do so

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<sup>1</sup> 47 USC §§ 214(e)(2) and (6) and 47 USC § 254.

<sup>2</sup> In the Matter of Federal State Joint Board on Universal Service, CC Docket No. 96-45.

expeditiously so that Nexus may provide Lifeline and Link Up service to low income households at the earliest practicable date.

**A. BACKGROUND**

1. This Application is made pursuant to 4 CSR 240-2.060 and 240-3.570, 47 U.S.C. §§ 153(27), 153(44), 153(46), 214(e), 253(b), 254(e) and 332(c)(3), as well as 47 CFR §§ 51.5, 54.5, 54.101, 54.201, 54.207, 54.313, and 54.314.

2. Nexus is an Ohio corporation<sup>3</sup> with principle offices located at 3629 Cleveland Ave., Suite C, Columbus, OH 43223. Nexus' email address is [sfenker1@earthlink.net](mailto:sfenker1@earthlink.net), the Company's fax number is (749) 548-1173 and its toll free customer assistance number is (877) 870-9222. Nexus was certified by the Commission as a Competitive Local Exchange Carrier pursuant to the Commission's Order Granting Certificate to Provide Basic Local and Local Exchange Telecommunications Services issued January 31, 2004, in Case No. CA-2004-0204. A Certificate of Good Standing from the Missouri Secretary of State and a Registration of Fictitious Name was filed with the Commission in CA-2004-0204, and is incorporated herein by reference pursuant to 4 CSR 240-2.060(1)(G). Nexus is also authorized to provide interexchange services in Missouri pursuant to the Commission's Order Approving Interexchange and Nonswitched Local Exchange Certificates of Service Authority issued on December 26, 2003, in Case No. XA-2004-0214.

3. By this Application, Nexus seeks ETC designation as a Commercial Mobile Radio Service ("CMRS" or "wireless") provider for the purpose of providing Federal USF

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<sup>3</sup> Nexus was organized and incorporated in the State of Ohio on September 11, 2000 (Charter ID 1180608).

Lifeline and Link Up support to qualifying low-income consumers in the non-rural exchanges of AT&T located in the State of Missouri. A listing of those exchanges is attached as **Exhibit A**.

4. Nexus has no pending action or final unsatisfied judgment or decision against it from any state or federal agency or court which involves customer service or rates, which judgment or decision occurred within the three years preceding the date of this Application.

5. Nexus has no overdue annual report or fee assessment.

## **B. THE REVELANT LEGAL ENVIRONMENT**

6. Pursuant to the requirements of 47 CFR § 54.201(d)(1), Nexus “[o]ffers the services that are supported by federal universal support mechanisms...using its own facilities or a combination of its own facilities and resale of another carriers services.” Through this Application, the Company seeks to provide wireless Lifeline and Link Up services within the State of Missouri, providing eligible Lifeline/Link Up subscribers the ability to receive wireless service and purchase wireless replenishment minutes through the Company’s authorized agent locations, located throughout the State of Missouri.

7. In its provision of wireless services, Nexus will rely on a combination of leased and company-owned facilities. Nexus will obtain service from underlying wireless providers that currently operate owned networks and will route some traffic through Company owned facilities located in the State of Ohio.<sup>4</sup> Nexus’ facilities and its proprietary enhancements, will provide services such as call management, directory assistance, voice mail, and toll limitation. Thus

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<sup>4</sup> 47 CFR § 54.201(g), A state commission shall not require a common carrier, in order to satisfy the requirements of paragraph (d)(1) of this section, to use facilities that are located within the relevant service area, as long as the carrier uses facilities to provide the services designated for support pursuant to subpart B of this part within the service area.

Nexus clearly meets the ETC test of providing services, at least in part, through a combination of resold service and its own facilities.<sup>5</sup>

8. Nexus has agreements in place with licensed operators of CMRS service providers in the State of Missouri, which will allow the Company to obtain any resold services necessary to supplement the services provided through Company owned facilities. Through these arrangements, Nexus is able to offer all of the services and functionalities supported by the universal service program, as detailed in Section 54.101(a) of the FCC Rules, throughout its designated service area<sup>6</sup>, thereby allowing the Company to provide service to its customers throughout the non-rural exchanges of AT&T.

9. Upon designation as an ETC, Nexus will make available Lifeline and Link Up service to qualifying consumers requesting service in the area for which the Company seeks designation as an ETC pursuant to the requirements of the universal service program and in accordance with 47 CFR § 54.202(a)(1) and 4 CSR 240-3.570.

10. The Lifeline program offered by Nexus will differ from the more traditional ETC's Lifeline programs in a number of important respects. First, Nexus will offer a unique, easy-to-use service with no monthly recurring charge. The service plan will include a preset amount of free airtime minutes and eligible consumers will have the ability to purchase additional minutes on an as-needed basis. Second, the service offered by Nexus does not require a credit check, deposit, or long-term contracts. Airtime includes both local and long distance calls. As such, eligible consumers can obtain wireless service with no long distance or overage

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<sup>5</sup> See Section 214(e) of the Act.

<sup>6</sup> See 47 CFR § 54.101(a).

charges and as such, no termination fees. All of these factors contribute to a unique wireless service that is user friendly and affordable.

11. As Nexus is not seeking high cost support for its wireless service, the Company asserts that certain provisions of the Missouri regulations governing ETC applications are inapplicable, and Nexus hereby seeks waiver of those regulations. Consistent with the requirements of 4 CSR 240-2.060(4), to the extent that Nexus request specific waivers of any of the Commission's rules, it must provide complete justification setting out good cause for the granting of the waiver. Pursuant to this requirement, the provisions for which waiver is sought, along with the requisite justification, are immediately following.

12. Nexus seeks waiver of 4 CSR 240-3.570(2)(A)1 through 3, 4 CSR 240-3.570(4)(A)1 through 5 and 4 CSR 240-3.570(4)(B) 1 through 4. Nexus believes that these requirements relate solely to the receipt and expenditure of high-cost funds. As Nexus will not apply for or accept federal high-cost funding, the Company believes that these rules are not applicable to Nexus' ETC Application and as such, should be waived.

13. In addition, Nexus request a waiver of 4 CSR 240-3.570(2)(C), as the network of the underlying carrier, used by the Company in the provision of service, is already operational and largely built out and will negate the possibility of unusual construction and installation and the charges related to the same.

14. Nexus will comply with all other provisions of the Commission's ETC rules. Within thirty days of receiving Commission approval of this Application, Nexus will make an informational filing which describes the terms and conditions of the wireless offerings for which it will seek USF support, and that it will amend that filing, pursuant to 4 CSR 240-3.570(3)(D), as its service offerings evolve.

15. A telecommunications carrier may be designated as an ETC and thus eligible to receive USF support provided that it demonstrates a commitment, throughout the proposed ETC service area, to: (a) offer the services that are supported by federal universal support mechanisms, and (b) advertise the availability of such services.<sup>7</sup> In its *First Report and Order* implementing Sections 214(e) and 254, the FCC set forth the services a carrier must provide in order to be designated as an ETC and thus receive federal universal support.<sup>8</sup>

16. Section 214(e)(2) of the Act authorizes state commissions, such as the Commission, to designate ETC status for federal universal service purposes. Although Section 332(c)(3)(A) of the Act prohibits states from regulating the entry of or the rates charged by CMRS providers, this prohibition does not allow states to deny wireless carriers ETC status.<sup>9</sup> Therefore, the Commission is fully and duly authorized to designate Nexus as an ETC. Specifically, the Act provides that a state commission shall designate a common carrier as an ETC<sup>10</sup> provided that the carrier meets the requirements of Section(e)(1), which requires a carrier designated as an ETC to offer the services that are supported by the Federal universal service support mechanisms “using either its own facilities or a combination of its own facilities and resale of another carrier’s services”<sup>11</sup> and to “advertise the availability of such services and the related charges using media of general distribution.”<sup>12</sup> As discussed in subsequent sections, Nexus

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<sup>7</sup> See 47 U.S.C. § 214(e)(1).

<sup>8</sup> Federal-State Joint Board on Universal Service, Report and Order, 12 FCC Rcd 8776, 8809-25 (1997).

<sup>9</sup> See USF Order, at 8858-59, ¶ 145.

<sup>10</sup> See § 214(e)(2) of the Act.

<sup>11</sup> 47 CFR § 54.201(d)(1).

<sup>12</sup> 47 CFR § 54.201(d)(2).

meets the facilities-based requirement of the Act and commits to advertise the availability of its Lifeline and Link Up programs in a manner that complies with these requirements.

**C. NEXUS MEETS THE REQUIREMENTS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER TO SERVE THE DESIGNATED AREAS IN THE STATE OF MISSOURI**

17. Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal support.” Section 214(e)(2) of the Act provides that a state commission “shall...upon request designate a common carrier that meets the requirements of paragraph 1 [of Section 214(e)] as an eligible telecommunications carrier for a service designated by the State commission.” As demonstrated below, Nexus meets the requirements for ETC designation by the Commission pursuant to Section 214(e)(2) of the Act. In addition, Nexus complies with the standards established by the FCC for determining whether applicants for ETC status serve the public interest.<sup>13</sup>

18. As previously stated, Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules provide that carriers designated as ETCs shall, throughout their service area, (a) offer the services that are supported by federal universal service support mechanisms, either using their own facilities or a combination of their own facilities and resale of another carriers. Upon designation as an ETC in Missouri, Nexus will offer all of the services and (b) advertise the availability of such services and the charges using media of general distribution. The

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<sup>13</sup> See Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371, ¶¶ 40-43(2005).

supported services, enumerated in Sections 54.101(a)(1) – (9) of the FCC’s rules, include the following:

- (1) Voice Grade Access to the Public Switched Telephone Network.
- (2) Local Usage.
- (3) Dual Tone Multi-Frequency (“DTMF”) Signaling or Its Functional Equivalent.
- (4) Single-party Service or its Functional Equivalent.
- (5) Access to 911 and E911 Emergency Service.
- (6) Access to Operator Services
- (7) Access to Interexchange Service.
- (8) Access to Directory Assistance.
- (9) Toll Limitation for Qualified Low-Income Customers.

19. Through the contractual purchase of resold wireless services and use of the Company’s own facilities, Nexus has the capability to offer all of these services to qualifying consumers within the State of Missouri and therefore satisfies the requirements of 214(e)(1) as detailed below.

20. Voice Grade Access - Voice grade access to the public switched telecommunications network (“PSTN”) is defined as “a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call” in a bandwidth, at a minimum, between “300 and



3,000 Hertz.”<sup>14</sup> Nexus will provide wireless access for qualified low-income consumers to the PSTN throughout its designated service area in the State of Missouri through the use of contractual purchase of wireless service and will offer its subscribers this service at bandwidths between 300 and 3,000 hertz. In addition, Nexus will respond to all reasonable requests for service by providing service to a customer who has address in the designated service area.

21. Local Usage - Local usage is defined by the FCC to mean “*an amount* of minutes of use of exchange service, prescribed by the Commission, provided free of charge to end users”<sup>15</sup> (emphasis added). Moreover, an ETC is required to “[d]emonstrate that it offers a local usage plan [amount of local usage] comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.”<sup>16</sup> Nexus commits that it will comply with all applicable minimum local usage requirements adopted by the FCC and the Commission.

22. DTMF Signaling – DTMF is defined as “a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time.”<sup>17</sup> All telephone handsets, made available by Nexus, will be DTMF-capable as necessary to meet all applicable FCC requirements.

23. Single-party Signaling or its Functional Equivalent - In the case of wireless, single-party service is defined as “a dedicated message path for the length of a user’s particular transmission.”<sup>18</sup> Nexus will provide all customers with single-party access for the duration of

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<sup>14</sup> 47 CFR § 54.101.(a)(1).

<sup>15</sup> 47 CFR § 54.101(a)(2).

<sup>16</sup> 47 CFR § 54.202(a)(ii)(4).

<sup>17</sup> 47 CFR § 54.101(a)(3).

<sup>18</sup> 47 CFR § 54.101(a)(4).

every phone call in accordance with this rule and does not provide “multi-party” or “party line” service.

24. Access to Emergency Services - Access to Emergency Service is defined as “a service that permits a telecommunications user, by dialing the three-digit code ‘911’, to call emergency services through a Public Service Access Point (PSAP) operated by the local government.”<sup>19</sup> The FCC has declared that access to emergency services is essential.<sup>20</sup> Pursuant to the FCC’s E911 Order, providers that use another carrier’s facilities to provide wireless voice service have an obligation to comply with the FCC’s E911 rules only “to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver enhanced 911 information to the appropriate PSAP [public service answering point].”<sup>21</sup> Through the use of a combination of the Company’s own facilities and contractual wireless service agreements, Nexus is able to provide its customers with access to emergency services consistent with the requirements of Section 254(c) of the Act, 47 CFR § 54.101 and 4 CSR 240-3.570(3)(C).

25. Access to Operator Services - Access to operator services is defined as “access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call.”<sup>22</sup> Through the use of its own facilities and contractually arranged wireless services, Nexus has the capability of delivering operator calls to various operator service

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<sup>19</sup> 47 CFR § 54.101(a)(5).

<sup>20</sup> USF Order, 12 FCC Rcd at 8814, ¶ 71.

<sup>21</sup> See Revision of the Commission’s Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340 (2003).

<sup>22</sup> 47 CFR § 54.101(a)(6).

companies, for which the Company has existing agreements with, allowing it to fulfill its obligation to provide this supported service.

26. Access to Interexchange Services - Access to interexchange service is defined as “the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier’s network.”<sup>23</sup> Consistent with the requirements of 47 CFR §§ 54.101(a)(1) and 54.101(a)(7), Nexus’ customers can use their service to complete both local and toll calls. As a result, Nexus does not impose separate charges for interexchange calls as long distance calls are included in the usage component of its service.

27. Access to Directory Assistance - Access to directory assistance is defined as “access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listing.”<sup>24</sup> As with access to operator services, Nexus, through the use of a combination of its own facilities, agreements with various directory assistance service providers, and contractual arranged wireless services will offer access to directory assistance, thereby allowing it to fulfill its obligation to provide this supported service.

28. Toll Limitation – Although Nexus possesses the capability to provide toll limitation, it does not believe customers will voluntarily choose to restrict toll service as Nexus customers can use their service to complete both local and toll calls. In addition, Nexus is a prepaid service provider, which means that customers pay for their service in advance and can use only the amount of service for which they have already paid. As such, no customer can be

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<sup>23</sup> 47 CFR § 54.101(a)(7).

<sup>24</sup> 47 CFR § 54.101(a)(8).

disconnected for failure to pay toll charges or usage as the company does not differentiate toll usage from local usage and all usage is paid for in advance. This service is idea for low-income consumers who enjoy the ability to control or limit their charges for both local phone and toll service. In fact, according to the FCC, the calling ability such as that offered by Nexus, “essentially functions as a toll control feature” and “may be an attractive alternative to Lifeline-eligible consumers who are concerned about usage charges or lone-term contracts”.<sup>25</sup>

**D. NEXUS WILL ADVERTISE THE AVAILABILITY OF THE SERVICES DESIGNATED FOR SUPPORT**

29. 47 CFR § 54.201(d)(2) and 4 CSR 2-3.570(2)(A)(6) require a common carrier designated as an ETC to advertise the availability of each of the services designated for support and the charges thereof using media of general distribution. 47 CFR §§ 54.405(b) and 54.411(d) require ETCs to publicize the availability of Lifeline and Link Up “in a manner reasonably designed to reach those likely to qualify” for the service and support while 4 CSR 240-3.570(2)(A)(7) requires an ETC to provide applicable Lifeline and Link Up discounts and to “commit to advertise the availability of services and charges thereof using media of general distribution throughout the ETC service area.”

30. Nexus commits that it will advertise the availability of its Lifeline and Link Up services and the associated charges using media of general distribution, in accordance with the requirements of Section 214(e)(1)(A) of the Act and Section 54.201(d)(2) of the FCC’s rules.<sup>26</sup>

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<sup>25</sup> In the Matter of Federal-State Joint Board on Universal Service TracFone Wireless, Inc. Petition for Designation as an Eligible Telecommunications Carrier (FCC 08-100), Order Released April 11, 2008 at ¶ 15.

<sup>26</sup> 47 CFR § 54.201(d)(2).

In addition Nexus will advertise the availability of its Lifeline and Link Up “service in a manner reasonable designed to reach those likely to qualify for the service.”<sup>27</sup> Nexus understands that it is the stated goal of both the FCC and the Commission to increase the penetration of Lifeline and Link Up by identifying and offering the service to as many qualifying consumers as possible. As a result, Nexus will utilize traditional means for promoting Lifeline and Link Up such as print and radio advertising, especially through the use of free publications and commercial radio stations whose programming is targeted to a significant number of low-income communities, including Spanish language radio stations. Nexus will also use non-traditional means to promote Lifeline and Link Up such as advertisement at local counsel-on-aging locations and other low income community services.

31. In addition, Nexus will draw on its previous and highly successful experience marketing Lifeline and Link Up and will provide point-of-purchase materials to retail outlets throughout the designated service area, especially those which are frequented by low-income consumers such as various rent-to-own centers and mass merchandisers like Wal-Mart and Dollar General. These materials will be provided in both English and Spanish and will plainly and visibly make consumers aware of both the availability and price for Lifeline and Link Up, thereby fulfilling the requirements of 47 CFR §§ 54.405(b) and 54.411(d). The combination of outreach programs will increase the participation in Lifeline and Link Up by making qualifying consumers, who were previously unaware of these vital low-income programs, aware of their existence.

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<sup>27</sup> 47 CFR §§ 54.405(b) and 54.411(d).

**E. NEXUS REQUEST DESIGNATION THROUGHOUT THE NON-RURAL EXCHANGES OF AT&T IN THE STATE OF MISSOURI**

32. Nexus is not a rural telephone company as that term is defined in the Act.<sup>28</sup> As such, Nexus is required to describe the geographic area(s) within which it request designation as an ETC.<sup>29</sup> Consistent with this requirement, Nexus is not requesting ETC designation in the territory of any rural service provider and limits its request for ETC designation to the geographic area that encompasses the Missouri non-rural exchanges of AT&T.

**F. NEXUS WILL BE ABLE TO SERVE THE DESIGNATED AREAS WITHIN A REASONABLE TIME**

33. As previously stated, Nexus provides service through a combination of its own facilities and resale of another carriers facilities, which the Company obtains through agreements with licensed CMRS providers. As the network of these providers are already operational and largely built out, Nexus will be able to commence offering of its Lifeline service program to all qualified consumers soon after it receives approval from the Commission. In addition, Nexus is ready to provide free handsets to qualified low income consumers under its Lifeline program. The only delay will be the time needed to implement procedures and internal systems necessary to offer its Lifeline and Link Up programs, which includes distribution of point-of-sale materials to authorized agents locations. As a result, Nexus will be able to meet the requirements of 47 CFR § 54.202(a)(1) and 4 CSR 240-3.570(3)(C)(3)(A), which requires an ETC to provide service on a timely basis or within a reasonable period of time.

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<sup>28</sup> 47 U.S.C. § 153(37).

<sup>29</sup> Public Notice – Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, FCC 97-419, 12 Rcd 22947 (1997).

**G. NEXUS HAS THE ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS**

34. 4 CSR 240-3.570(2)(A)(4) requires that an ETC provide a demonstration of the carrier's ability to remain functional in emergency situations. As previously stated, Nexus will offer some of "the services that are supported by federal universal support mechanisms...using...resale of another carriers services".<sup>30</sup> As such, Nexus' ability to remain functional in emergency situations is provided by its contractual arrangements with underlying carriers. Nexus' underlying carriers utilize a reasonable amount of back-up power to ensure functionality without an external power source, reroute of traffic around damaged facilities, and have the capability to manage traffic spikes resulting from emergency situations.

35. Nexus will also offer some of the services supported by the federal universal support mechanisms using its own facilities. Nexus has installed a network of back up systems that allow Nexus to remain functional in emergency situations. This network provides Company owned facilities with a reasonable amount of back-up power independent of municipal power sources and includes redundant circuits that will allow Nexus to reroute traffic around damaged facilities and provides spare trunk capacity that can be used to manage traffic spikes resulting from emergency situations.

**H. NEXUS WILL SATISFY CONSUMER PRIVACY PROTECTION STANDARDS**

36. Nexus commits that it will satisfy all consumer privacy protection standards as provided in 47 CFR § 64 Subpart U and 4 CSR 240-3.570(2)(A)10 and the service quality standards specified in CSR 240-3.570(2)10 as applicable.

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<sup>30</sup> 47 C.F.R. § 54.201(d)(1).

37. Nexus will protect Customer Proprietary Network Information (“CPNI”) as required by state and federal law and will certify compliance the same on an annual basis.

**I. SERVICE QUALITY COMMITMENTS**

38. Providing crucial elements of the service through resale and a combination of the Company’s own facilities will enable Nexus to provide the same quality and reliability as that currently provided by any other wireless provider. Although no carrier can assure the Commission that it will never experience service disruptions, Nexus’ contractual arrangements are designed to minimize any failures, provide alternate call routing, and expedite recovery in the event a failure occurs. While it is also a fact that dropped calls and inconsistent coverage, caused by atmospheric conditions, are a fact of life in the wireless industry, Nexus believes that its agreements allow its service to be as reliable as that of any other wireless provider operating in the State of Missouri.

**J. NEXUS OFFERS A LOCAL USAGE PLAN COMPARABLE TO THOSE OFFERED BY THE INCUMBENT LOCAL EXCHANGE CARRIER (“ILEC”)**

39. An ETC is required to “[d]emonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.”<sup>31</sup> However, the FCC has explained that the local usage plan(s) of an ETC applicant should be reviewed on a case-by-case basis<sup>32</sup> in order to ensure that each ETC is providing a local usage component as a part of its universal service offering that meets the requirements of the FCC’s

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<sup>31</sup> 47 CFR § 54.202(a)(ii)(4).

<sup>32</sup> Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371, 6385, ¶ 33 (2005).



Rules<sup>33</sup>. As the FCC has not adopted any minimum local usage requirements, it is important to point out that an ETC is required to offer a local usage plan that is “comparable” not identical. Nexus will comply with all applicable minimum local usage requirements adopted by the FCC and the Commission as specified in 4 CSR 240-3.570(2)(A)10. With respect to wireless service, to date, the FCC has not quantified an amount of local usage required to be included by an ETC in its universal service offering.<sup>34</sup> In the First Report and Order, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide.<sup>35</sup> In a subsequent rulemaking docket, the FCC sought comment on a definition of the public service package that must be offered by all ETCs, including how much local usage should be required to be provided to customers as a part of a universal service offering.<sup>36</sup> After considering public comments and recommendations of the Joint Board, the FCC, in July, 2003, released an order declining to impose a specific amount of local usage as a condition of ETC status.<sup>37</sup> Recently, the FCC sought comment on another set of recommendations by the Joint Board regarding ETC criteria and again declined to specify a minimum quantity of local usage.<sup>38</sup> Instead, the FCC has determined that when a carrier offers a choice of rate plans containing varying amounts of local

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<sup>33</sup> 47 CFR § 54.201(a)(ii)(4).

<sup>34</sup> See NPCR, Inc, d/b/a Nextel Partners, 19 FCC Rcd 16530, 16536 (2004) (“Nextel Partners”).

<sup>35</sup> See Federal-State Joint Board on Universal Service, Report and Order, 12 FCC Rcd at 8776, 8809-25 (1997).

<sup>36</sup> Federal-State Joint Board on Universal Service, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252, 21279-81 (1998).

<sup>37</sup> Federal-State Joint Board on Universal Service, Order and Order on Reconsideration, FCC 03-170 at ¶ 14 (rel. July 14, 2003).

<sup>38</sup> Federal-State Joint Board on Universal Service, Notice of Proposed Rulemaking, 19 FCC Rcd 10800, 10826-27 (2004).

usage, it meets the local usage requirement.<sup>39</sup> As such, Nexus will provide qualifying customers with an amount of usage consistent with the FCC's pronouncements. As detailed in the following sections, Nexus offers, as a part of its Lifeline plan, an amount of local and long distance usage with no monthly recurring charge and will allow customers to purchase additional minutes of usage, if needed, thereby fulfilling the requirements of 47 CFR §§ 54.101(2) and 54.202(a)(4) that require an ETC to meet the local usage requirement by offering "a choice of rate plans".

40. In addition, Nexus will provide service that includes an amount of free minutes and will not require a credit check, deposit, or term agreements, allowing Nexus to offer a local usage plan comparable to that offered by the incumbent "including the rates, terms, and conditions of the plans",<sup>40</sup> as required in 4 CSR 240-3.570(2)(A)(10).

#### **K NEXUS WILL PROVIDE EQUAL ACCESS**

41. Per the requirements of 4 CSR 240-3.570(2)(9), Nexus will provide equal access if all other ETCs in the service area relinquish their designations pursuant to section 214(e) of the Telecommunications Act of 1996.

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<sup>39</sup> See e.g. Sprint Corp, DA 04-3617 at ¶ 11 (rel. Nov 18, 2004); ALLTEL Communications, Inc., 19 FCC Rcd 20496, 20500-01 (2004); Nextel Partners, *supra*, 19 FCC Rcd at 16536.

<sup>40</sup> In the Matter of the Petition of VCI Company for Designation as an Eligible Telecommunications Carrier, Case No. CO-2006-0406, Report and Order, dated July 24, 2007.

**L. DESIGNATION OF NEXUS AS AN ETC IN THE STATE OF MISSOURI IS CONSISTENT WITH THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY**

42. 4 CSR 240-3.570(2)(A)5 requires that an ETC application demonstrate that designation would be consistent with the public interest, convenience and necessity. Pursuant with this requirement, Nexus provides the following information that clearly demonstrates that Nexus' designation as an ETC is both consistent with the public interest, convenience and necessity providing consumers with increased competitive choice through the offering of a unique service.

**Designation Will Serve the Public Interest, Convenience and Necessity**

43. As previously noted, Nexus seeks certification as an ETC in the non-rural exchanges of AT&T. The FCC has determined that while “ [d]esignation of competitive ETCs promotes and benefits consumers...by increasing customer choice”<sup>41</sup>, designation must include “an affirmative determination that such designation is in the public interest regardless of whether the applicant seeks designation in an area served by a rural or non-rural carrier.”<sup>42</sup>

44. Although Nexus is seeking ETC designation in areas that are typically served by wireline carriers, designation as an ETC will provide a valuable alternative to the existing telecommunications services currently available in these areas and will promote competition and facilitate the provision of advanced communications services to low-income residents of Missouri.

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<sup>41</sup> 47 U.S.C. § 214(e)(2)

<sup>42</sup> See Federal-State Joint Board on Universal Service. 20 FCC Rcd 6371, ¶ 42 (2005)

45. The public interest benefits of designating Nexus as an ETC include larger local calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage in the event that included usage has been exhausted, 9-1-1 service and, where available, E9-1-1 service in accordance with current FCC requirements.

46. The inclusion of toll calling as a part of Nexus' wireless offering, along with the fact that service is provided without a monthly recurring charge, will allow consumers to avoid the risk of becoming burdened with large and unexpected charges for toll calling and unexpected overage charges.

47. Designation of Nexus as an ETC will also provide the incumbent LECs, serving the same area, an incentive to improve their existing networks and service offerings in order to remain competitive, which will result in improved consumer services.

48. ETC designation will also benefit consumers by allowing Nexus to offer the services designated for support at rates that are "just, reasonable, and affordable."<sup>43</sup>

### **The Benefits of Increased Competitive Choice**

49. The FCC has also identified factors that are to be considered in determining whether designation of additional ETCs will serve the public interest such as whether the benefits of an additional ETC would outweigh potential harms. These factors include: 1) the benefits of increased competitive choice; and 2) the unique advantages and disadvantages of the

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<sup>43</sup> See 47 U.S.C. § 254(b)(1).

applicant company's service offerings.<sup>44</sup> Nexus affirms that its ETC designation meets these criteria as described below.

50. The FCC and the Commission have long acknowledged the benefits to consumers of being able to choose from a variety of telecommunications providers and the resulting variety of telecommunications services they provide.<sup>45</sup> This is of particular interest in cases where wireless providers, such as Nexus, seek to provide service as an alternative to those of the traditional ILEC. The availability of a wireless competitor benefits consumers, who routinely drive long distances to attend work or school or to accomplish everyday tasks such as shopping or attending community and social events. The wireless service, offered by Nexus, will provide these consumers with a convenient and affordable alternative to traditional telecommunications service that can be used while at home and away from home.

51. It is also a commonly accepted fact that in today's market, qualified Lifeline and Link Up customers view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents, wherever they may be, allows a person seeking employment the ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers, regardless of location. Added together, Nexus expects these additional competitive advantages to create an atmosphere that will cause many qualified consumers to select the Company's wireless Lifeline and Link Up service in lieu of the more traditional wireline or wireless services.

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<sup>44</sup> See 47 U.S.C. § 54.202(c).

<sup>45</sup> See e.g., Specialized Common Carrier Services, 29 FCC 2d 870 (1971).

### **The unique Advantages of Nexus' Service Offerings**

52. As described throughout this Application, Nexus will offer a unique, easy to use, competitive and highly affordable wireless telecommunications service, which it will make available to qualified consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of a more traditional wireline or wireless services.

53. Qualified consumers will have the ability to acquire a wireless service that includes a free handset, local and long distance calling, and several features, all without the requisite credit check, deposit, and contract requirements of the more traditional wireline and wireless service providers. Through the Link Up program, Nexus will be able to provide consumers with a reduction in the cost of the fees associated with the connection of service. Because Nexus' service is provided with no credit check, deposit requirement, minimum service periods, or early termination fees the service will be an attractive and affordable alternative to qualified low-income consumers without regard to age, residency, or credit worthiness. In short, Nexus' Lifeline Service Plan offers qualified Lifeline customers a combination of wireless access and quality service at rates that are just, reasonable, and affordable.

### **M. DESIGNATION OF NEXUS AS AN ETC WILL BENEFIT LOW INCOME CONSUMERS IN THE STATE OF MISSOURI**

54. Designation of Nexus as an ETC will make Lifeline and Link Up discounts available to many more Missourians. This is particularly true in the wireless field, where, to Nexus' knowledge, there are a limited number of wireless providers offering USF-subsidized service and even fewer offering the same with absolutely no monthly recurring charge to the end user. As such, the service for which Nexus seeks ETC status is unique.

55. Granting wireless ETC status to Nexus will contribute to more Missouri residents receiving Lifeline and Link Up, thereby increasing the amount of federal USF dollars benefiting Missouri customers.

56. Finally, designation of Nexus as a wireless ETC will serve the public interest by furthering the extensive role that Nexus believes it will play in the provision of communications service to low-income consumers, transient users, and other consumers who, due to the restrictive credit criteria, deposit requirements, and long-term commitments of wireline and traditional wireless service providers, are off network and, without and viable alternative, are likely to remain so.

**N. NEXUS WILL PROVIDE LIFELINE AND LINK UP DISCOUNTS IN ACCORDANCE WITH THE REQUIREMENTS OF 4 CSR 240-3.570(2)(A)7**

57. Nexus commits to provide Lifeline and Link Up discounts consistent with 47 CFR 54.401 and 47 CFR 54.411 and that it will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service in accordance with 47 CFR 54.405.

**O. NEXUS WIRELESS LIFELINE PLAN**

58. Lifeline is a component of one of four separate federal universal service fund mechanisms<sup>46</sup> know as the “low-income support mechanism”.<sup>47</sup> and is defined in 47 C.F.R. § 54.401 as “a retail local service offering” “available only to qualified low-income consumers” “for which qualifying low-income consumers pay reduced charges as a result of application of

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<sup>46</sup> 47 C.F.R. § 54.8(a)(1); *See* “Definitions” at second sentence.

<sup>47</sup> 47 C.F.R. § 54.8(a)(1); *See* “Definitions” at first sentence.

the Lifeline support amount” “that includes the services or functionalities enumerated in § 54.401(a)(1) through (a)(9)”, which the Company will use to “[m]ake available Lifeline service...to qualifying low-income consumers”.<sup>48</sup> Under the Company’s Lifeline this plan Nexus will provide qualified Lifeline customers, who reside in the State of Missouri, with an amount of free minutes of anytime local and long distance minutes each month and will use all low-income universal service support to allow the Company to provide the service with no monthly recurring charge ensuring that the consumer receives 100% of all universal service support funding for which the Company will seek reimbursement. The plan will include a free handset and the following Custom Calling features:

- (1) Caller ID;
- (2) Call Waiting;
- (3) Call Forwarding;
- (4) 3-Way Calling;
- (5) Voicemail.

59. Unused minutes will roll over from month-to-month and “fresh” minutes will be automatically loaded to the currently available minutes of the account of each customer on a monthly basis month. In the event that all airtime has been used, Lifeline customers will have the capability of purchasing additional airtime replenishment cards in \$5.00, \$10.00, and \$20.00 denominations. Airtime replenishment cards will be made available at retail outlets frequented by low income customers throughout the Designated Service Area.

60. Wireless handsets will be delivered at no charge to qualifying customers, service will be activated, and the requisite number of minutes will be added upon certification of the customer for Lifeline and Link-Up.

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<sup>48</sup> 47 C.F.R. §§ 54.401(a), 54.401(a)(1), 54 401 (a)(2), 54.401(a)(3), 54.405(a).



## P. NEXUS LINK UP PLAN

61. Like Lifeline, Link Up is also a component of one of four separate federal universal service fund mechanisms<sup>49</sup> known as the “low-income support mechanism”,<sup>50</sup> and is defined in 47 C.F.R. § 54.411 as an “assistance program for qualifying low-income consumers, *which an eligible telecommunications carrier shall offer as part of its obligations set forth in §§ 54.101(a)(9) and 54.101(b)*”<sup>51</sup> <sup>52</sup>(emphasis added). Assistance is in the form of a “reduction in the carrier’s customary charge for commencing telecommunications service for a single telecommunications connection” and “shall be half of the customary charge or \$30.00, whichever is less”.<sup>53</sup> Consistent with FCC requirements, Nexus will use Link Up support to reduce the company’s “customary charge for commencing service” by “half of the customary charge...”<sup>54</sup>, which will result in a reduction of the Company’s activation charge of \$30.00.

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<sup>49</sup> 47 C.F.R. § 54.8(a)(1); *See* “Definitions” at second sentence.

<sup>50</sup> 47 C.F.R. § 54.8(a)(1); *See* “Definitions” at first sentence.

<sup>51</sup> 47 C.F.R. § 54.411(a). The plain reading of this definition is that an ETC is obligated to provide this discount to qualifying low-income consumers. In addition, § 54.413(a) stipulates that carriers, that provide Link Up discounts, “may receive universal service support reimbursement for the revenue they forgo in reducing their customary charge for commencing telecommunications service...”

<sup>52</sup> § 54.101(a)(9) is the specific obligation to offer Toll Limitation for qualifying low-income consumers while § 54.101(b) is the requirement that an “eligible telecommunications carrier must offer each of the” services designated for support “in order to receive federal universal service support”. As a part of its application, Nexus has demonstrated that it has the capability to and will offer all of the supported services specified in § 54(a)(1) – (9).

<sup>53</sup> 47 C.F.R. § 54.411(a)(1).

<sup>54</sup> 47 C.F.R. § 54.411(a)(1).

62. Qualifying subscribers will have the option of deferring the reduced activation charge over a twelve month period with no interest allowing subscribers to obtain service without being required to pay any up front fees to activate service with Nexus.

**Q. NEXUS WILL COMPLY WITH THE LIFELINE AND LINK UP CERTIFICATION AND VERIFICATION REQUIREMENTS OF 47 CFR §§ 54.410 AND 54.416**

63. Sections 54.410 and 54.416 of the FCC's rules require ETCs to comply with the requirements of initial certification of eligibility and the verification of continued eligibility for participation in the Lifeline and Link Up programs. Nexus commits that it will certify and verify consumer eligibility in accordance with applicable FCC rules and Commission requirements governing both certification and verification of Lifeline and Link Up eligibility. Nexus has developed a detailed compliance policy that includes the Company's procedures for initial certification of eligibility and the verification of continued eligibility for participation in these vital low-income programs and will make these materials available to the Commission upon request.

**R. A GRANT OF THIS APPLICATION WILL IMPOSE A NEGLIGIBLE BURDEN ON THE USF**

64. Nexus reiterates that it is applying for ETC designation solely for the purpose to provide Lifeline and Link Up discounts to qualified low-income consumers and to seek reimbursement for the same and will not seek or accept high cost support. As such, Nexus' designation as an ETC will not pose any adverse effect in the growth in the high cost portions of the USF, nor will it create or contribute to an erosion of high cost funding from any rural or non-rural telephone company. As previously mentioned, Nexus' designated service area is the non-

rural exchanges of AT&T. Consistent with FCC rules and state requirements, the Commission is authorized to designate Nexus as an ETC in non-rural areas that Nexus will serve without redefining the service areas of non-rural telephone companies.

65. The FCC reaffirmed this position when it recently stated that “the potential growth of the fund associated with high-cost support distributed to competitive ETCs” is not relevant to carriers seeking support associated with the low-income program.<sup>55</sup> Accordingly, total low-income support, for 2005, accounted for only 12.4 percent of the total distribution of the universal service fund, with high-cost accounting for over 58 percent of the total.<sup>56</sup>

66. The FCC also recognized that the total effect of additional low-income only ETC designations would have a minimal impact on the fund when it stated that “any increase in the size of the fund would be minimal and would be outweighed by the benefit of increasing eligible participation in the Lifeline and Link Up programs, furthering the statutory goal of providing access to low-income consumers.”<sup>57</sup>

67. The FCC acknowledged the benefits of designating a carrier as an ETC, when the carrier is seeking only to participate in the USF’s low-income program, in the release of the following statement in its May 1, 2008 Order establishing an interim cap on high-cost support:

Moreover, there are advantages in obtaining and maintaining an ETC designation regardless of whether a competitive ETC receives high-cost support. In particular, the ability of competitive ETCs to receive low-income universal service support shows

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<sup>55</sup> TracFone Forbearance Order, at ¶ 17.

<sup>56</sup> 2007 Wireline Competition Bureau, FCC, Trends in Telephone Service, Table 19.1 and Chart 19.1.

<sup>57</sup> TracFone Forbearance Order, at ¶ 17.

value in obtaining and maintaining ETC designation separate and apart from high-cost support.<sup>58</sup>

Further, by offering Lifeline and Link Up service, a competitive ETC may attract new subscribers that may not otherwise have taken telephone service. This would increase a competitive ETC's base of subscribers and, consequently, lower its average cost of serving all of its subscribers. Moreover, competitive ETCs may be eligible for separate universal service support at the state level.<sup>59</sup>

68. It is also vital to recognize that in the case of Lifeline and Link Up support, an ETC receives USF support *only* for the customers it obtains. In the scenario where a competitive ETC obtains a Lifeline customer from another ETC, only the "capturing" ETC provides Lifeline discounts and as a result, only the "capturing" ETC receives support reimbursement.

69. In addition, all providers are required to contribute a portion of the interstate revenue received from its customer to the USF. In accordance with current federal regulations, Nexus will make contributions based on that portion of its revenue that is determined to be interstate. As such, approving Nexus as an ETC will actually create contributions to the USF that were previously non-existent.

**S. NEXUS COMMITS THAT IT WILL ENSURE ACCESS TO THE TELECOMMUNICATIONS RELAY SERVICE**

70. In compliance with the 4 CSR 240 3-570(3)(C)(1)(F), Nexus commits that it will provide access to telecommunications relay services through the use of 7-1-1 dialing.

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<sup>58</sup> High-Cost Universal Service Support, et al., Order, WC Docket No, 05-337, CC Docket No. 96-45, FCC 08-122 (released: May 1, 2008), ¶ 30.

<sup>59</sup> Id.

**T. NEXUS WILL DEVELOP A BILL DESIGN IN ACCORDANCE WITH 4 CSR 240-3.570(3)(A)**

71. 4 CSR 240-3.570(3)(A) requires all ETCs to “develop a bill design that can be easily interpreted by their customers and clearly sets forth charges in compliance with state and federal billing requirements. Pursuant to this requirement, Nexus has already developed a bill design that meets these requirements and commits that it will make changes in accordance with future changes of law.

**U. NEXUS WILL PROVIDE CUSTOMERS SERVICE CONTACT INFORMATION IN ACCORDANCE WITH 4 CSR 240-3.570(3)(B)**

72. ETCs are required to provide customer service contact information both online and on billing statements. Consistent with this requirement, Nexus will accurately post its customer service contact information on the Company’s web site, located at [www.tsihomephone.com](http://www.tsihomephone.com), and will also include the same on all customer billing statements. Nexus acknowledges that this requirement is also applicable to any third party billing agent selected by the Company.

**V. NEXUS COMMITS TO ABIDE BY THE CONSUMER CODE FOR WIRELESS AS RECOGNIZED BY THE CELLULAR TELECOMMUNICATIONS AND INTERNET ASSOCIATION (“CTIA”)**

73. Consistent with the requirements of 4 CSR 240-3.570(2)(B), Nexus commits that it will abide by the consumer code for wireless service recognized by CTIA at the time of ETC designation. As a part of its application, Nexus has included, as **Exhibit B**, a copy of the CTIA consumer code. In addition, Nexus will file with the Commission any changes to the CTIA consumer code.

**W. NEXUS WILL MAINTAIN A RECORD OF ALL CONSUMER COMPLAINTS**

74. Consistent with the requirements of 4 CSR 240-3.570(3)(E), Nexus will maintain a record of customer complaints that have been received by the company in a manner that includes, at a minimum: the end-use name; the account number; a description of the complaint; the date the complaint was filed; the resolution; and the amount of refund or credit if any.

**X. NEXUS WILL MAKE AN INFORMATIONAL FILING DESCRIBING ALL SERVICE OFFERINGS**

75. Pursuant to the requirements of 4 CSR 240-3.570(3)(D), Nexus' service plans will be outlined and disclosed to the Commission in an informational filing, which Nexus will make within thirty days of the Commission's ETC designation.

**Y. NEXUS WILL NOTIFY THE COMMISSION OF ANY CHANGES TO THE COMPANY'S CONTACT INFORMATION**

76. Consistent with the requirements of 4 CSR 240-3.570(3)(F), Nexus will, within 10 days of a change in the company-designated contacts, either notify the manager of the Telecommunications department, in writing or by electronic mail, or shall update the commission's electronic filing system. The notification or update shall include the names, addresses, and/or telephone numbers of the designated individuals.

**CONCLUSION**

WHEREFORE, pursuant to Section 214(e)(2) of the Act, Nexus requests that the Commission issue an Order (1) granting its Application for designation as an ETC in Missouri consistent with this Application, including ETC status for its wireless service offering in the non-rural exchanges of AT&T, and (2) waiving the rules and regulations specified in paragraphs 12 and 13 hereof.

Respectfully submitted,

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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 15<sup>th</sup> day of April, 2009, to General Counsel's Office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov) and Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov).

/s/ Roger W. Steiner

Attorney for Applicant





**EXHIBIT A**

**LIST OF NON-RURAL EXCHANGES OF AT&T  
LOCATED IN THE STATE OF MISSOURI**

# EXHIBIT A

ADRIAN  
ADVANCE  
AGENCY  
ALTENBURG-FROHNA  
ANTONIA  
ARCHIE  
ARGYLE  
ARMSTRONG  
ASH GROVE  
BEAUFORT  
BELL CITY  
BENTON  
BILLINGS  
BISMARCK  
BLOOMFIELD  
BLOOMSDALE  
BOONE TERRE  
BOONVILLE  
BOWLING GREEN  
BROOKFIELD  
CAMDENTON  
CAMPBELL  
CAPE GIRARDEAU  
CARDWELL  
CARL JUNCTION  
CARROLLTON  
CARTHAGE  
CARUTHERSVILLE  
CEDAR HILL  
CENTER  
CHAFFEE  
CHARLESTON  
CHESTERFIELD  
CHILLICOTHE  
CLARKSVILLE  
CLEVER  
CLIMAX SPRINGS  
CREVE COEUR  
DE KALB  
DE SOTO  
DEERING  
DELTA  
DEXTER  
DOWNING  
EAST PRAIRIE  
EDINA  
ELDON  
ELSBERRY  
ESSEX  
EUREKA

FAYETTE  
FENTON  
FISK  
FLAT RIVER  
FRANKFORD  
FREDERICKTOWN  
FREEBURG  
FESTUS-CRYSTAL CITY  
FULTON  
GIDEON  
GLASGOW  
GRAIN VALLEY  
GRAVOIS MILLS  
GRAY SUMMIT  
GREENWOOD  
HANNIBAL  
HARVESTER  
HAYTI  
HERCULANEUM-PEVELY  
HIGBEE  
HIGH RIDGE  
HILLSBORO  
HOLCOMB  
HORNERVILLE  
IMPERIAL  
JACKSON  
JASPER  
JOPLIN  
KENNETT  
KIRKSVILLE  
KNOB NOSTER  
LA MONTE  
LAMAR  
LANCASTER  
LEADWOOD  
LILBOURN  
LINN  
LAKE OZARK-OSAGE BEACH  
LOCKWOOD  
LOUISIANA  
MACKS CREEK  
MALDEN  
MANCHESTER  
MARBLE HILL  
MARCELINE  
MARIONVILLE  
MARSHALL  
MARSTON  
MAXVILLE  
META

MONETT  
MONTGOMERY C  
MOREHOUSE  
NEOSHO  
NEVADA  
NEW MADRID  
MEW FRANKLIN  
OAK RIDGE  
OLD APPLETON  
ORAN  
PACIFIC  
PATTON  
PAYNESVILLE  
PERRYVILLE  
PIERCECITY  
POCOHONTAS-N  
POND  
POPLAR BLUFF  
PORTAGEVILLE  
PORTAGE DES S  
PUXICO  
QULIN  
RICHMOND  
RICHWOODS  
RISCO  
RUSHVILLE  
SAN ANTONIO  
SCOTT CITY  
SEDALIA  
SENATH  
SIKESTON  
SLATER  
SMITHVILLE  
ST CHARLES  
ST CLAIR  
ST JOSEPH  
ST MARYS  
STANBERRY  
STE GENEVIEVE  
TRENTON  
TUSCUMBIA  
UNION  
VALLEY PARK  
VERSAILLES  
VIENNA  
WALNUT GROVE  
WARDELL  
WARE  
WASHINGTON  
WEBB CITY

EXCELSIOR SPRINGS  
FARLEY  
FARMINGTON

MEXICO  
MOBERLY

WELLSVILLE  
WESTPHALIA  
WYATT

KANSAS CITY METROPOLITAN  
EXCHANGE

SPRINGFIELD METROPOLITAN  
EXCHANGE

ST LOUIS METRO  
EXCHANGE

**EXHIBIT B**

**CTIA CONSUMER CODE FOR WIRELESS SERVICE**

## EXHIBIT B

# CTIA

## Consumer Code *for* Wireless Service

To provide consumers with information to help them make informed choices when selecting wireless service, to help ensure that consumers understand their wireless service and rate plans, and to continue to provide wireless service that meets consumers' needs, the CTIA and the wireless carriers that are signatories below have developed the following Consumer Code. The carriers that are signatories to this Code have voluntarily adopted the principles, disclosures, and practices here for wireless service provided to individual consumers.

### THE WIRELESS CARRIERS THAT ARE SIGNATORIES TO THIS CODE WILL:

#### ONE

#### DISCLOSE RATES AND TERMS OF SERVICE TO CONSUMERS

**F**or each rate plan offered to new consumers, wireless carriers will make available to consumers in collateral or other disclosures at point of sale and on their web sites, at least the following information, as applicable: (a) the calling area for the plan; (b) the monthly access fee or base charge; (c) the number of airtime minutes included in the plan; (d) any nights and weekend minutes included in the plan or other differing charges for different time periods and the time periods when nights and weekend minutes or other charges apply; (e) the charges for excess or additional minutes; (f) per-minute long distance charges or whether long distance is included in other rates; (g) per-minute roaming or off-network charges; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) whether a fixed-term contract is required and its duration; (k) any activation or initiation fee; and (l) any early termination fee that applies and the trial period during which no early termination fee will apply.

#### TWO

#### MAKE AVAILABLE MAPS SHOWING WHERE SERVICE IS GENERALLY AVAILABLE

**W**ireless carriers will make available at point of sale and on their web sites maps depicting approximate voice service coverage applicable to each of their rate plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage. All such maps will contain an appropriate legend concerning limitations and/or variations in wireless coverage and map

usage, including any geographic limitations on the availability of any services included in the rate plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request and incorporate coverage maps from roaming partners that are generated using similar industry-accepted criteria, or if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

### T H R E E

#### **PROVIDE CONTRACT TERMS TO CUSTOMERS AND CONFIRM CHANGES IN SERVICE**

**W**hen a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier will provide or confirm the material terms and conditions of service with the subscriber.

### F O U R

#### **ALLOW A TRIAL PERIOD FOR NEW SERVICE**

**W**hen a customer initiates service with a wireless carrier, the customer will be informed of and given a period of not less than 14 days to try out the service. The carrier will not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return and/or exchange policies. Other charges, including airtime usage, may still apply.

### F I V E

#### **PROVIDE SPECIFIC DISCLOSURES IN ADVERTISING**

**I**n advertising of prices for wireless service or devices, wireless carriers will disclose material charges and conditions related to the advertised prices, including: if applicable and to the extent the advertising medium reasonably allows: (a) activation or initiation fees; (b) monthly access fees or base charges; (c) any required contract term; (d) early termination fees; (e) the terms and conditions related to receiving a product or service for "free;" (f) the times of any peak and off-peak calling periods; (g) whether different or additional charges apply for calls outside of the carrier's network or outside of designated calling areas; (h) for any rate plan advertised as "nationwide," (or using similar terms), the carrier will have available substantiation for this claim; (i) whether prices or benefits apply only for a limited time or promotional period and, if so, any different fees or charges to be paid for the remainder of the contract term; (j) whether any additional taxes, fees or surcharges apply; and (k) the amount or range of any such fees or surcharges collected and retained by the carrier.

### S I X

#### **SEPARATELY IDENTIFY CARRIER CHARGES FROM TAXES ON BILLING STATEMENTS**

**O**n customers' bills, carriers will distinguish (a) monthly charges for service and features, and other charges collected and retained by the carrier, from (b) taxes, fees and other charges collected by the carrier and remitted to federal state or local governments. Carriers will not label cost recovery fees or charges as taxes.

SEVEN

**PROVIDE CUSTOMERS THE RIGHT TO TERMINATE SERVICE  
FOR CHANGES TO CONTRACT TERMS**

Carriers will not modify the material terms of their subscribers' contracts in a manner that is materially adverse to subscribers without providing a reasonable advance notice of a proposed modification and allowing subscribers a time period of not less than 14 days to cancel their contracts with no early termination fee.

EIGHT

**PROVIDE READY ACCESS TO CUSTOMER SERVICE**

Customers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries and on carriers' web sites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

NINE

**PROMPTLY RESPOND TO CONSUMER INQUIRIES AND COMPLAINTS  
RECEIVED FROM GOVERNMENT AGENCIES**

Wireless carriers will respond in writing to state or federal administrative agencies within 30 days of receiving written consumer complaints from any such agency.

TEN

**ABIDE BY POLICIES FOR PROTECTION OF CUSTOMER PRIVACY**

Each wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online.