

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
<b>Aegis Telecom, Inc.</b>	)	
<b>d/b/a Off the Hook Telecom</b>	)	Case No. RA-2011-0349
for Designation as an Eligible	)	
Telecommunications Carrier in the State of	)	
Missouri	)	

**RESPONSE OF AEGIS TELECOM, INC. D/B/A OFF THE HOOK TELECOM  
TO STAFF MOTION FOR INDEFINITE CONTINUANCE**

COMES NOW Aegis Telecom, Inc. d/b/a Off the Hook Telecom (Aegis or the Company) and files this Response to the *Staff Motion for Indefinite Continuance* filed in this case (and other cases) on June 2, 2011. Aegis opposes the Staff Motion and encourages the Commission to proceed apace with the pending Application of Aegis in this matter. Aegis further states as follows:

1. Aegis Telecom, Inc. d/b/a Off the Hook Telecom filed its Application for designation as an Eligible Telecommunications Carrier (ETC) in Missouri on April 20, 2011. Aegis seeks ETC designation solely to provide Lifeline and Link Up service to qualifying Missouri customers. It will not seek access to funds from the federal Universal Service Fund (USF) for the purpose of providing service to high-cost areas nor any funds from the Missouri Universal Service Fund. The Company satisfies all of the statutory and regulatory requirements for designation as an ETC in the requested designated service area, and believes and asserts that the public interest would be served by granting this petition.
2. Aegis' filing is complete, and the intervention deadline in the matter (May 12, 2011) passed with no applications for intervention having been filed.

3. By Order of the Commission, Staff is to file its Staff Recommendation in the matter on or before June 15, 2011. *Order Directing Filing* (issued and effective May 16, 2011).

4. On June 2, 2011, the Commission Staff filed its *Staff Motion for Indefinite Continuance* in this matter, and jointly in four (4) other pending ETC application cases. Staff states that it has been in receipt of “an ever-increasing volume of material concerning assertions of fraud and other illegal activities by some wireless and some wireline ETCs.” (*Staff Motion*, page 2, Paragraph 5.) While “Staff has been able to identify certain entities that are known to have engaged in improper activities, at this time it has not been able to conclusively ascertain whether any of these entities is an affiliate of any of the present applicants.” (*Id.*)

5. Staff proposes that *all* pending applications for designation as an ETC, by companies that have not been previously designated as ETCs in Missouri, “should be held in abeyance until the Staff can devise an application process that requires potential ETCs to disclose all of its affiliates and contractors, any complaints by any other Commissions, penalty actions or settlements with other Commissions, any State Attorney General, or any federal consumer protection or law enforcement Agency and any other pertinent information.” (*Id.*, page 2, Para. 6.)

6. Staff further proposes that the requested “abeyance” should last long enough for it to draft, and for the Commission promulgate, a new rule establishing a new ETC application process. (*Id.*, page 3, Para. 6.)

7. While Aegis understands and shares Staff's concerns about fraudulent providers, Staff's Motion paints with too broad a brush. Aegis stands ready and willing to provide, under the protection of the Commission's rules on confidential information, any and all information Staff desires concerning its affiliations and contracts.

8. To-date, Aegis has not received any questions from Staff concerning its affiliates and contractors, complaints in other jurisdictions, or any of the other matters of concern to Staff as outlined in Paragraph 6, on pages 2 and 3, of the *Staff Motion*.

9. Aegis herewith submits, as **Exhibit A**, the Affidavit of Robert Clark, President of Aegis Telecom, Inc. d/b/a Off the Hook Telecom, specifically assuring the Commission that Aegis has no association or affiliation with any of the companies noted by Staff or in the documents attached as exhibits to the Staff Motion.

10. Aegis also submits herewith, as **Exhibit B**, a confidential exhibit showing its corporate ownership, affiliations and officers, and a list of its contracts. Aegis would be pleased to provide Staff with any contracts Staff wishes to see, under protection of confidentiality.

11. Aegis respectfully submits that it would be both unfair and unlawful for the Commission to *de facto* amend its rules, by holding Aegis' pending ETC application in abeyance based on vague concerns about other companies, while it *considers* amending its rules through the normal and lawful rulemaking process (which typically takes *months* to navigate). Aegis has presented to the

Commission all information required by federal law and the rules of the Missouri Public Service Commission and should be entitled to timely consideration of its application by the Commission. Aegis reiterates that it is also providing the Commission with additional information, as exhibits to this Response, specifically designed to address the concerns raised by the *Staff Motion for Indefinite Continuance* and stands ready and willing to answer any questions Staff may have.

12. Aegis submits that for the Commission to impose an “indefinite continuance” on a Company such as Aegis, that has invested precious resources in undertaking an ETC application in full compliance with existing federal and state law, including existing rules and regulations of the Missouri Public Service Commission, would violate Aegis’ constitutional rights to equal protection of the law and due process of law.

WHEREFORE, having met the requirements for eligibility for designation as an Eligible Telecommunications Carrier (ETC) in the State of Missouri, Aegis Telecom, Inc. d/b/a Off the Hook Telecom respectfully requests the Commission to deny Staff's *Staff Motion for Indefinite Continuance* of June 2, 2011, at least as to Aegis, and issue an Order granting Aegis' Application in this matter and designating Aegis as an ETC for Lifeline and Link Up services in Missouri.

Respectfully submitted,

***/s/ William D. Steinmeier***

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COUNSEL FOR AEGIS TELECOM,  
INC. D/B/A OFF THE HOOK TELECOM

Dated: June 10, 2011

## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been served electronically on the Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) and on the General Counsel's office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov) this 10<sup>th</sup> day of June 2011.

***/s/ William D. Steinmeier***

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William D. Steinmeier

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**LIST OF EXHIBITS**

- |           |   |
|-----------|---|
| Exhibit A | Affidavit of Robert Clark, President  |
| Exhibit B | Document Showing Corporate Ownership, Affiliations, Officers and Contracts of Aegis Telecom, Inc. d/b/a Off the Hook Telecom<br>(designated <b><i>“Highly Confidential” (HC)</i></b> under 4 CSR 240-2.135) |