

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF THE APPLICATION  
OF TELRITE CORPORATION FOR  
DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER  
ON A WIRELESS BASIS  
(LOW INCOME ONLY)**

CASE NO. \_\_\_\_\_

**APPLICATION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER ON A WIRELESS BASIS**

COMES NOW Telrite Corporation ("Telrite" or "the Company") and, pursuant to Section 214(e) of the Telecommunications Act of 1996 (the "1996 Act"), Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"), and 4 CSR 240.060, hereby requests that the Missouri Public Service Commission (the "Commission") designate Telrite as an Eligible Telecommunications Carrier ("ETC") throughout the Southwestern Bell Telephone Company, L.P., d/b/a AT&T Missouri service territories (the "Service Area") for the purpose of receiving federal universal service support for wireless services. At this time Telrite does not seek designation as an ETC on a wireline basis. In further support of its Application, Telrite states as follows:

1. Telrite is a Georgia corporation with its principal offices located at 4113 Monticello Street, Covington, Georgia 30014. Telrite's Articles of Incorporation are on file with the Commission in Case No. XA-2004-0197 and are incorporated herein by reference.
2. The Commission has previously granted Telrite authority to provide interexchange telecommunications services in Missouri by Order dated December 18, 2003, in Case No. XA-2004-0197.
3. Please direct copies of all correspondence, pleadings, and orders in this proceeding to the following:

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4. As a result of the work and cooperation of federal and state regulators, the FCC has adopted a number of cost recovery policies and mechanisms designed to promote and maintain universal service (the "Universal Service Fund" or "USF"). The Universal Service Fund was established, in part, to provide support to qualifying low-income communications end-users such as those serviced by Telrite. Mechanisms were also established in an effort to moderate the amount of costs to be recovered through basic, recurring charges to low-income users, thereby assisting efforts to maintain reasonable basic rate levels.

5. Since January 1, 1998, a competitive local exchange carrier qualifies to receive the universal service support set forth above only if it has been designated by a state regulatory agency as an ETC. The Universal Service Fund therefore represents significant additional resources which could greatly benefit the consumers and businesses of the State of Missouri upon the designation of Telrite as an ETC.

6. Telrite requests that the Commission, by order, designate the company as an ETC throughout its Service Area. As described below, Telrite seeks ETC status on a wireless basis beginning as soon as possible in 2010, upon approval by the Commission.

7. Pursuant to this Application, Telrite requests ETC status solely for the purpose of providing the services supported by and participating in the Low Income Programs of the Universal Service Fund. Telrite does not request ETC status for the purpose of participating in

any High Cost programs of the Universal Service Fund. Such action is entirely consistent with both the 1996 Act and the public interest of the State of Missouri.

8. Telrite provides interexchange telecommunications services throughout its service area in the State of Missouri. Telrite strives to assist in bringing premier telecommunications services to those areas and is committed to the provision of reasonably priced services. More recently, Telrite has expanded its operations to include the provision of wireless services through a combination of its own facilities and resold services.

9. Under Telrite's proposed Low Income wireless offering, each eligible wireless customer will receive a handset at no cost to the subscriber. Telrite has already been certificated to provide interexchange service throughout the non-rural service area of Missouri, and this ETC designation will enhance Telrite's ability to provide service to low income consumers within the Service Area. Since this Application is for purposes of receiving low income universal service support, Telrite's new wireless offering will supplement and not detract from the provision of supported services. Telrite will provide the supported services using a combination of its own facilities and resale of other carriers' services while advertising the availability of those services using media of general distribution.

10. Consistent with the requirements of Section 214 of the Federal Communications Act of 1934, as amended, ("Communications Act"), 47 U.S.C. §214 (e) (6) and Sections 54.101 through 54.207 of the FCC's rules, Telrite, in its provision of wireless services, will rely on a combination of resold services which the Company will obtain from underlying wireless providers that currently operate their own networks, and Company-owned facilities located within its home State of Georgia, thus allowing Telrite to meet the FCC's test that requires an ETC to provide services, through a "combination of its own facilities and resale of another

carrier's services".<sup>1</sup> Telrite has an approved wireless MVNO agreement with AT&T and Verizon nationwide.

11. Telrite obtains services through commercial mobile radio service ("CMRS") providers that allow the Company to supplement the services provided through Company-owned facilities. Through these arrangements, Telrite 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 Service Area<sup>2</sup>, thereby allowing the Company to provide service to its customers throughout the geographic area served by non-rural providers.

12. Attached hereto as Exhibit "A" is a summary description of the wireless facilities owned by Telrite through which Telrite proposes to offer wireless service in combination with resold services. Exhibit "A" contains confidential proprietary and financial information not available to the public. Due to the highly competitive nature of the telecommunications marketplace, Telrite deems these materials to be proprietary. The description of facilities is therefore being submitted on a confidential basis under seal to be maintained by the Commission and the Georgia Public Utilities Staff on a confidential basis pursuant to applicable law and Commission Rules.

13. In addition, the Company maintains its own facilities within the State of Georgia. These facilities are co-located with other carriers' facilities, and provide Telrite the ability to provide one or more of the supported services.<sup>3</sup> Currently, there is no state or federal definition or requirement as to the number of, or the amount of, the supported services that an ETC must offer via its "own facilities." Therefore, Telrite is able to meet the federal requirement that an

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<sup>1</sup> See Section 214(e)(1)(A) of the 1996 Act.

<sup>2</sup> See 47 CFR § 54.101(a).

<sup>3</sup> See 47 CFR § 54.101(a)(7).

ETC must offer the supported services at least in part through the use of its own facilities.

Additionally, Federal law does not require any particular level of facilities. The FCC stated in its Universal Service Order, 12 FCC Rcd 8853, FCC 97-157 (“USF Order”), at para. 169 that:

We adopt the Joint Board's analysis and conclusion that a carrier need not offer universal service wholly over its own facilities in order to be designated as eligible because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale. Although the Joint Board did not reach this issue, we find that the statute does not dictate that a carrier use a specific level of its ‘own facilities’ in providing the services designated for universal service support given that the statute provides only that a carrier may use a ‘combination of its own facilities and resale’ and does not qualify the term ‘own facilities’ with respect to the amount of facilities a carrier must use. For the same reasons, we find that the statute does not require a carrier to use its own facilities to provide each of the designated services but, instead, permits a carrier to use its own facilities to provide at least one of the supported services.

14. In affirming its own decisions, the FCC chose to continue to define the term “own facilities” as “*any physical components* of the telecommunications network that are used in the transmission of the services that are designated for support.”<sup>4</sup> (emphasis added). The Communications Act’s definition of “network element” matches that of the FCC and defines a “network element” as “a facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.”<sup>5</sup> All facilities-based carriers have and use network elements.<sup>6</sup>

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<sup>4</sup> See 47 CFR § 54.101; 47 CFR § 54.201(e).

<sup>5</sup> See 47 USC § 153(29).

<sup>6</sup> Only ILEC network elements can be designated as “unbundled” under § 251(c)(3) using the criteria in § 251(d)(2), but all facility-based carriers, including nondominant wireline and wireless carriers also have “network elements.”

15. Designation of Telrite as an ETC on a wireless basis is in the public interest of the State of Missouri and its low-income telecommunications end-users. Under the 1996 Act, “[u]pon request and consistent with the public interest, convenience and necessity”<sup>7</sup> the Commission shall “designate more than one common carrier as an eligible telecommunications carrier for a service area designated”<sup>8</sup> by the Commission. In doing so, the Commission “shall find that the designation is in the public interest.”<sup>9</sup> FCC Rules require that an ETC application demonstrate that designation would be consistent with the public interest, convenience and necessity and that prior to designating an ETC pursuant to section 214(e)(6), the Commission “shall consider the benefits of increased consumer choice, and the unique advantages...of the applicant’s service offering”.<sup>10</sup> Pursuant to this requirement, Telrite provides the following information which clearly demonstrates that Telrite’s designation as an ETC on a wireless basis is consistent with the public interest, convenience and necessity providing consumers with increased competitive choice through the offering of a unique service.

(a) **Increased Competitive Choice.** The FCC has determined that while designation of competitive ETCs promotes and benefits consumers by increasing customer choice, 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>11</sup> Telrite is seeking ETC designation on a wireless basis which will provide an additional valuable alternative to the existing telecommunications services currently available

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<sup>7</sup> 47 C.F.R. § 54.201(c).

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

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

<sup>10</sup> 47 C.F.R. § 54.202(c).

<sup>11</sup> See Federal-State Joint Board on Universal Service, 20 FCC Rcd 6371, ¶ 42 (2005)

in these areas and will promote competition and facilitate the provision of advanced communications services to low-income residents of Missouri.

The public interest benefits of inclusion of the Company's wireless service 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, E 9-1-1 service in accordance with current FCC requirements.

The inclusion of toll calling as a part of Telrite's 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.

Designation of the Company as an ETC on a wireless basis will also provide other carriers 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 and will also benefit consumers by allowing Telrite to offer the services designated for support at rates that are "just, reasonable, and affordable."<sup>12</sup>

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 company's

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<sup>12</sup> See 47 U.S.C. § 254(b)(1).

service offerings.<sup>13</sup> Telrite affirms that its ETC designation meets these criteria as described below.

As provided by the Communications Act, the availability of basic telecommunications services to low-income consumers is critical to the provision of public health, safety, and other services. In addition, the FCC has 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>14</sup> This is of particular interest in cases where wireless providers, such as Telrite, seek to provide services as alternatives to those of the traditional ILEC. In the *Highland Cellular*<sup>15</sup> case, the FCC recognized and affirmed that some households may not have access to the public switched network as provided by the incumbent local exchange carrier. The availability of a wireless competitor benefits consumers who daily 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 Telrite 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.

The Lifeline and Link-Up service offered by Telrite also provides important benefits that are especially needed by low-income Missouri residents in this time of economic downturn. As the Commission is aware, the Dow Jones Average, a primary indicator of the health of the economy, has been at a low ebb for a considerable period of time. Thus, the savings accounts upon which many depend for emergencies and retirement have significantly eroded. Since the

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<sup>13</sup> See 47 CFR. § 54.202(c).

<sup>14</sup> See e.g., *Specialized Common Carrier Services*, 29 FCC 2d 870 (1971).

<sup>15</sup> Federal-State Joint Bd. on Universal Serv., *Highland Cellular, Inc., Memorandum Opinion and Order*, 19 F.C.C.R. 6422 (2004).



recession began, 5.1 million jobs have been lost nationally, with nearly two-thirds (3.1 million) of the decrease occurring in the last 5 months.<sup>16</sup> By January of 2010, the number of unemployed persons increased to 14.8 million, and the unemployment rate rose to 9.7 percent.<sup>17</sup> As of June, 2010 Missouri's unemployment rate is reported to be 9.2 percent<sup>18</sup>, which has a significant impact on many residents of the state. The availability of a mobile telephone will be critical to the efforts of the unemployed as they search for other employment opportunities. Without a regular paycheck, wireless telephone service would become a luxury beyond the means of many of those persons.

Telrite's Lifeline and Link-Up programs will enable thousands of residents to obtain wireless service which would otherwise be unavailable to them. The economic circumstances indicate that low-income individuals, now more than ever, can greatly benefit from the advantages offered by Telrite's Lifeline and Link-Up service thus allowing those adversely impacted by the failing economy or job loss to have access to a free wireless service to assist in emergency situations, facilitate job search efforts, and to maintain contact with family members.

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, Telrite expects these additional competitive advantages to create an atmosphere that will cause many qualified consumers, at their option, to select the Company's

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<sup>16</sup> *Source* United States Department of Labor Bureau of Labor Statistics.

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

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

low income wireless Lifeline and Link-Up service in lieu of the more traditional wireline or wireless services.

(b) **The Unique Advantages of Telrite's Service Offerings.** Telrite 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 more traditional services.

Telrite will announce and advertise telecommunications services as an ETC where it provides service in its Service Area and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Missouri residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to Telrite's service. A sample of Telrite's planned advertising is attached hereto as Exhibit "B."

Telrite will provide universal service as an ETC in all of its Service Area.

Telrite is willing to accept carrier of last resort obligations throughout the universal service areas in which Telrite is designated as an ETC by the Commission.

Telrite will provide equal access to long distance carriers, to the extent to which it is able to do so.

Telrite offers a local usage plan comparable to the one offered by the ILEC in the service areas for which it seeks designation.

(c) **Telrite's Lifeline Plan.** Lifeline is a component of one of four separate federal universal service fund mechanisms<sup>19</sup> known as the "low-income support mechanism".<sup>20</sup>

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<sup>19</sup> 47 C.F.R. § 54.8(a)(1); See "Definitions" at second sentence.

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 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>21</sup> Under the Company’s Wireless Lifeline plan, Telrite will provide qualified Lifeline customers who reside in the State of Missouri with sixty eight (68) minutes of free 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, thus ensuring that the consumer receives 100% of all universal service support funding for which the Company will seek reimbursement of USF Lifeline support necessary to provide the free minutes of airtime above. In the event that all airtime has been used, Lifeline customers will have the capability of purchasing additional airtime replenishment cards in \$10.00, \$25.00, and \$50.00 denominations. Airtime replenishment cards will be made available at retail outlets frequented by low income customers throughout the Service Area.

The wireless plan will also 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.

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<sup>20</sup> 47 C.F.R. § 54.8(a)(1); See “Definitions” at first sentence.

<sup>21</sup> 47 C.F.R. §§ 54.401(a), 54.401(a)(1), 54.401 (a)(2), 54.401(a)(3), 54.405(a).

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.

(d) **Telrite's Link-Up Plan.** Like Lifeline, Link-Up is also a component of one of four separate federal universal service fund mechanisms<sup>22</sup> known as the “low-income support mechanism,”<sup>23</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>24</sup> <sup>25</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>26</sup> Consistent with FCC requirements, Telrite will use Link-Up support to reduce the company’s “customary charge for commencing service” by “half of the customary charge...,”<sup>27</sup> which will result in a reduction of the Company’s wireless activation charge by \$30.00.

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<sup>22</sup> 47 C.F.R. § 54.8(a)(1); See “Definitions” at second sentence.

<sup>23</sup> 47 C.F.R. § 54.8(a)(1); See “Definitions” at first sentence.

<sup>24</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>25</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, Telrite has demonstrated that it has the capability to and will offer all of the supported services specified in § 54(a)(1) – (9).

<sup>26</sup> 47 C.F.R. § 54.411(a)(1).

<sup>27</sup> *Id.*

Qualifying subscribers will have the option of deferring the reduced activation charge over a twelve-month period with no interest, thus allowing subscribers to obtain service without being required to pay any up-front fees to activate service with Telrite. As such, there is no up-front connection charge applicable to Telrite customers.

(e) **Designation of Telrite as an ETC Will Benefit Low Income**

**Consumers in the State of Missouri.** Under FCC guidelines, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards<sup>28</sup>; Telrite will satisfy all such standards. As part of its certification requirements for providing local exchange services, Telrite must abide by the service quality and consumer protection rules. In addition, Telrite commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's USF Order.<sup>29</sup> Telrite in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.

Under FCC guidelines, an ETC applicant must demonstrate its ability to remain functional in emergency situations<sup>30</sup>. Since Telrite is providing service to its customers through the use of facilities obtained from other carriers, this arrangement allows Telrite to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

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<sup>28</sup> 47 CFR §54.202(a)(3), 62 FR 15978 at Para 28.

<sup>29</sup> USF Order at Para 4.

<sup>30</sup> 47 CFR § 54.202(a)(2); USF Order at Para 25.

In addition, designation of the Company as an ETC on a wireless basis will make Lifeline and Link-Up discounts available to many more Missouri residents. This is particularly true in the wireless field, where, to Telrite's knowledge, there are a limited number of wireless providers offering USF supported service and even fewer offering the same with absolutely no monthly recurring charge to the end-user. As such, the service for which Telrite seeks ETC status is unique.

Inclusion of Telrite wireless service will serve the public interest by increasing participation of qualified consumers in the Lifeline and Link-Up programs, thereby contributing to an overall increase in the number of Missouri residents receiving Lifeline and Link-Up and an increase to the amount of federal USF dollars benefiting Missouri residents.

Finally, inclusion of Telrite wireless service will serve the public interest by furthering the extensive role that Telrite 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 traditional service providers, are off network and, without any viable alternative, are likely to remain so.

**Designation of Telrite on a Wireless Basis Will Impose a Negligible Burden on the USF.** Telrite 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. Under FCC guidelines, an ETC applicant must submit a five-year plan that describes with specificity the proposed improvements or upgrades to the applicant's network on a wire-center-by-wire-center basis throughout its proposed Service Area. The only circumstance warranting deviation from this requirement is where an applicant's requested ETC serving territory would qualify it to receive no "high cost" USF support, but only "low income" USF support. Because Telrite seeks ETC designation

solely for purposes of reimbursement for provision of subsidized Lifeline and Link-Up services to eligible customers, submission of a Five-Year Network Improvement Plan is not required at this time. Since Lifeline support is designed to reduce the monthly cost of telecommunication services for eligible consumers, is distributed on a per-customer basis, and is directly reflected in the price that the eligible customer pays, it is assured that all support received by the carrier is used to provide Lifeline services to consumers, thus promoting Lifeline and the availability of telephone service to low-income users, which is clearly in the public interest. In addition, designation of the Company 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.

The FCC reaffirmed this position when it 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>31</sup> Accordingly, total low-income support for 2007 accounted for only 11.8 percent of the total distribution of the USF, with high-cost accounting for over 61 percent of the total.<sup>32</sup>

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>33</sup>

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<sup>31</sup> Petition of TracFone Wireless, Inc. for Forbearance from 47 U.C.S § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) (TracFone Forbearance Order) at ¶ 17.

<sup>32</sup> 2008 Wireline Competition Bureau, FCC, *Trends in Telephone Service*, Chart 19.1.

<sup>33</sup> TracFone Forbearance Order, at ¶ 17.

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.

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

(f) **Telrite Has Internal Controls in Place to Prevent Subscribers from Receiving More Than One Lifeline Discount.** Consistent with federal requirements, Telrite requires customers to self-certify at the time of service activation and annually thereafter that they: 1) are the head of household; 2) participate in one of the state-approved means tested programs; 3) will be receiving Lifeline-supported services only from Telrite; 4) do not currently receive Lifeline support; and 5) will notify Telrite if in the event that they no longer participate in the qualifying program. Verification of continued eligibility is accomplished on a yearly basis in accordance with state-specific procedures.

16. In order to be designated as an ETC, the FCC's rules require that carriers must publicize and offer the list of services supported by the federal universal service mechanisms. As demonstrated below, Telrite satisfies these requirements and should be granted ETC status. Under federal rules, the ETC must offer the following services (this list is also compliant with 47 CFR 240-3.570(3)(C)(1) :

- a) Voice grade access to the public switched network;



- b) Access to free-of-charge "local usage" defined as an amount of minutes of use of exchange service;
- c) Dual tone multi-frequency signaling or its functional equivalent;
- d) Single-party service or its functional equivalent;
- e) Access to emergency services;
- f) Access to operator services;
- g) Access to interexchange services;
- h) Access to directory assistance; and
- i) Toll limitations services for qualifying low-income customers.

17. As described above, qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier. Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated an ETC. Telrite will comply with each of these requirements regarding service provisions and advertisement, and Telrite will utilize all universal service support for the provision, maintenance, and upgrading of the supported services.

18. Telrite attaches as Exhibit "C" the current list of its officers, along with biographical information for each.

19. As Telrite is not seeking high-cost support for its wireless service, certain provisions of the Missouri regulations concerning ETC applications are inapplicable, and Telrite hereby seeks waiver of those regulations. The provisions whose waiver is sought include 4 CSR 240-3.570(2)(A)1-3 (requiring filings regarding the intended use of high-cost support), (2)(C) (plans for handling unusual construction or installation charges), and (3)(C)(3) (plans for extending the carrier's network). As these provisions are applicable only for carriers seeking

high-cost support, they simply do not apply to Telrite.

20. Telrite will comply with all other provisions of the Commission's ETC rules, as if this pleading were an initial Application for initial designation as a wireless ETC. By way of illustration, within thirty days of receiving Commission approval of this Application, Telrite 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 from time to time, as its service offerings evolve, pursuant to 4 CSR 240-3.570(3)(D).

21. Pursuant to 4 CSR 240-3.570(3)(F), Telrite shall, within ten (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 (EFIS). The notification or update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s). The contact name(s) provided pursuant to this section shall be the individual(s) primarily responsible for: customer service; repair and maintenance; answering complaints; authorizing and/or furnishing refunds to customer; and informational or tariff filing issues.

22. Pursuant to 4 CSR 240-3.570(3)(A), Telrite shall develop a bill design that can be easily interpreted by its customers and clearly sets forth charges in compliance with state and federal billing requirements.

23. Pursuant to 4 CSR 240-3.570(3)(B), Telrite shall provide customer service contact information online and on billing statements. Telrite acknowledges that this requirement also applies to ETCs that use a third party billing agent.

24. Pursuant to 4 CSR 240-3.570(3)(E), Telrite shall maintain a record of customer

complaints that have been received by the company in a manner that includes, at a minimum: the end-user 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. Telrite shall also maintain record of complaints from consumers in the Missouri service area in which ETC designation was granted that have been submitted to or filed with the Federal Communications Commission for which the company has knowledge in a manner that includes, at a minimum: a description of the complaint; the date the complaint was filed; the date the complaint was resolved; the resolution of the complaint and the amount of refund or credit, if any.

25. As specified in 4 CSR 240-3.570(2)(B), in its provision of wireless service which is ETC-designated, Telrite will follow the provisions of the Consumer Code for Wireless Service which was adopted by the Cellular Telecommunications and Internet Association (“CTIA”). Telrite commits to satisfy consumer protection and quality of service standards found in this code of conduct. A copy of the current CTIA Consumer Code for Wireless Service is attached hereto as Exhibit D.

26. As specified in 4 CSR 240-3.570(2)(A)8, Telrite agrees that it will satisfy the consumer privacy standards set forth in 47 C.F.R. Part 64 Subpart U.

### **CONCLUSION**

Having demonstrated that Telrite satisfies the conditions necessary for designation as an ETC in Missouri, and having shown that the public and universal service interests of the telecommunications consumers of the State of Missouri will be properly served, Telrite respectfully requests that the Commission designate Telrite Corporation as an ETC for the provision of low income support on a wireless basis throughout Telrite’s Service Area, and waive certain Commission rules which do not apply to Telrite as a wireless provider seeking low income USF support.

Respectfully submitted,

/s/ Mark P. Johnson

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Attorneys for Telrite Corporation

**VERIFICATION**

STATE OF GEORGIA

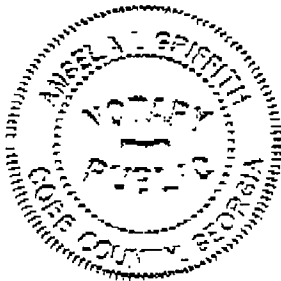
COUNTY OF COBB

PERSONALLY came and appeared before me, the undersigned party in and for the jurisdiction aforesaid, the within named Brian Lisle who after being duly sworn by me stated under oath as follows: that I am Vice President of Telrite Corporation ("Telrite"); that I executed the foregoing pleading for and on behalf of Telrite; that I am authorized to execute and file said pleading; and that the matters and things set forth in said pleading are true and correct to the best of my knowledge, information and belief.

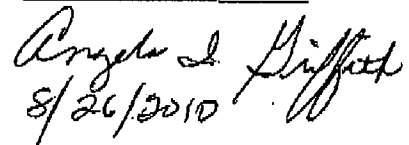
  
Brian Lisle

SWORN TO AND SUBSCRIBED before me on this the 26th day of August, 2010.

NOTARY PUBLIC



My Commission Expires:  
Notary Public, Cobb County, Georgia  
My Commission Expires July 2, 2011

  
8/26/2010

### CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Application has been emailed or mailed, First Class mail, postage prepaid, this 2<sup>nd</sup> day of September, 2010, to:

General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

Office of the Public Counsel  
Governor Office Building, Suite 650  
P.O. Box 2230  
Jefferson City MO 65102

/s/ Mark P. Johnson  
Mark P. Johnson

## **EXHIBITS**

- Exhibit A - Summary Description of the Wireless Facilities
- Exhibit B - Sample Advertising
- Exhibit C - List of Officers
- Exhibit D - CTIA Consumer Code for Wireless Service