

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

In the Matter of the Application of)
TAG Mobile, LLC, for Designation as an)
Eligible Telecommunications Carrier) **File No. RA-2012-0296**

STIPULATION AND AGREEMENT

COME NOW the Staff of the Missouri Public Service Commission (“Staff”) and TAG Mobile, LLC f/k/a dPi Mobile, LLC (“TAG Mobile or “the Company”), and respectfully state to the Missouri Public Service Commission (“Commission”) that, as a result of negotiations, the Staff and TAG Mobile have reached the stipulations and agreements contained herein:

STIPULATIONS

1. In File No. CO-2010-0054, the Commission added wireless service to the wireline service that could be offered by dPi Teleconnect, LLC as a designated eligible telecommunications carrier (“ETC”) for the purpose of providing Lifeline service supported by the Universal Service Fund. On March 14, 2012 dPi Teleconnect, LLC filed a Notice in that matter that stated as follows:

2. On October 8, 2010, dPi filed its Application to Amend its Designation as an Eligible Telecommunications Carrier, in which it sought amendment of its ETC designation to include dPi’s wireless service as eligible for low-income FUSF support in the exchanges for which dPi has already received ETC designation. The Commission granted dPi’s amendment to its ETC status for the purpose of providing wireless service in the exchanges served by AT&T Missouri for which dPi has already been granted ETC status on January 19, 2011.

3. dPi hereby notifies the Commission that its affiliate, TAG Mobile, LLC, is concurrently filing an application for designation as a wireless ETC for

those exchanges currently served by dPi. Upon the Commission's designation of TAG Mobile, LLC as a wireless ETC in the State of Missouri, dPi will relinquish its wireless ETC status in Missouri. dPi will continue to operate as an ETC in Missouri for its wireline services.

2. At no time has dPi Teleconnect, LLC sought to change its name to TAG Mobile or to use the name TAG Mobile as the name under which it will offer Lifeline service in Missouri.

3. Also on March 14, 2012, TAG Mobile, LLC, a Texas limited liability company, filed an initial application for designation as a wireless ETC in this matter. Its principal offices are at 1330 Capital Parkway, Carrollton, Texas 75006. In support of its application, TAG Mobile filed a copy of its registration with the Missouri Secretary of State indicating that TAG Mobile, LLC would operate in Missouri under the name dPi Mobile, LLC. However, nowhere in Tag Mobile's application is there an indication that TAG Mobile was formerly known as dPi Mobile or dPi Teleconnect. The first use of the name "TAG Mobile, LLC f/k/a dPi Mobile, LLC" is in the response TAG Mobile filed in this matter on May 22, 2012. The application of TAG Mobile for ETC designation is still pending, as of May 3, 2013.

4. In early 2013, the Staff requested of dPi Teleconnect that it submit its Lifeline enrollment forms for the period of October, 2012, as well as the Company's Form 497 data for September, October and November of 2012. This is part of the Staff's ongoing review of ETCs to monitor compliance with Missouri's rules concerning ETCs. Although the Staff has yet to receive the 497 information, it did receive the enrollment forms.

5. In response to the Staff request, the Company submitted two discs containing a total of 2,813 enrollments. The Staff randomly selected and reviewed 178 enrollments. Of those forms:

a. All enrollments use a form that has not been approved by the Missouri USF Board. The company appears to use at least three different variations of an enrollment form. One form appears to be used approximately most of the time.

b. In approximately 7% of the reviewed enrollments (using variations of the common form) the documentation a company official has seen proof of eligibility is unclear:

(1) One form indicates "...validated through the CDHS" with the language, "I, (agent's printed name) hereby attest that the Applicant's ID and supporting documentation checked below were presented and verified and that the Applicant's participation in the qualifying program selected above was validated through the CDHS."

(2) Another form simply identifies the agent as a 4-digit "Corp ID/Dealer Number" and no boxes were checked indicating what proof of eligibility documentation was seen by the agent.

c. All of the forms used the name "TAG Mobile" for the service provider, even though it has yet to receive ETC designation.

Agreement

6. The Company agrees to notify Staff within 30 days of any matter brought by any state or federal regulatory or law enforcement agency against the ETC, any person or entity that currently holds, directly or indirectly, more than a 10% ownership interest in, or is a manager, officer or director of the ETC, or any affiliated company (defined as any company under common management ownership or control or that, by contract or

other agreement, performs any of the functions necessary to the ETC's Lifeline Service) that involves any aspect of the provision of Lifeline Service or any aspect involving the ETC's use of state or federal USF, or any non-frivolous matter brought in state or federal courts alleging claims for involving fraud, deceit, perjury, stealing or the omission or misstatement of material fact in connection with a commercial transaction. Such matters include formal or informal notices of investigation, indictment, the filing of a complaint, a civil lawsuit, revocation or suspension proceeding, action for civil penalties or damages of at least \$250,000, or criminal charges. Such details include, but are not limited to, copies of complaints or other such pleadings and the filed responses thereto, as well as any orders, decisions or other determinations of culpability, including those that exonerate the subject of any wrongdoing.

7. The Company agrees to notify the Staff of matters as described in paragraph 6 beginning immediately after the effective date of the Commission's order approving the joint stipulation between the Company and Staff that resolves this case. Should substantially similar commitments as the Company makes in paragraph 6 not be imposed on all ETCs in the State of Missouri within one-year from the effective date of that order by a duly promulgated Commission rule, the Company may ask the Commission to issue an order suspending the commitments the Company makes in paragraph 6 until such time as substantially similar commitments are imposed on all ETCs in the State of Missouri. If the Company requests a stay following the one-year timeframe, the Staff may oppose or support the granting of that request.

8. The Company will not offer or provide Lifeline service in Missouri under any name other than its Commission-approved ETC designated name. The Company and

its affiliates will make all necessary filings at the Commission and at the Secretary of State necessary to accomplish this goal and so that it is clear to Lifeline subscribers the name and status of their service provider.

9. The Company agrees to use only the Board-approved form and to ensure all applications are complete.

10. The Company agrees to properly verify all applications, including obtaining proof of documentation.

11. The Company agrees to only document verifications using MoUSF Board approved attestation language (even if it is on a separate piece of paper).

12. The Company agrees it will not use exclusively verbal confirmation of personal information for initial applications.

13. The Company agrees that if the Company is audited by USAC regarding Missouri, The Company will provide to Staff its responses to the audit, as well as USAC's findings.

14. The Company agrees that it will comply with all Commission rules, as amended, concerning the provision of Lifeline service in Missouri, as well as any properly promulgated rules of the FCC concerning Universal Service Funding for low-income subscribers as well as any applicable state or federal law. The Staff may conduct follow-up reviews of the Company's operations to ensure that the Company has complied with the provision of this Stipulation and Agreement.

15. The Company agrees to, within 30 days of the date of the Commission's approval of this Stipulation and Agreement, either provide written notice to all existing customers that the service it receives is from dPi Teleconnect, not TAG Mobile, as TAG

Mobile is not yet designated as an ETC, or the Company may simply reimburse USAC for all Missouri Lifeline recipients who purchased the service from TAG Mobile prior to its designation as an ETC.

16. The Company will pay \$50,000 to the School Fund, in three equal installments, due on or before January 30, February 28 and March 31, 2014.

17. Upon successful completion of the agreements above, or submission of a plan demonstrating the ways in which it will comply with the ongoing requirements above, the Staff will, within 30 days thereafter recommend that the Commission approve TAG Mobile's ETC designation Application.

Respectfully submitted,



Colleen M. Dale, MoBar 31624
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

/s/ Lisa A. Gilbreath

Lisa A. Gilbreath MBN 62271
SNR Denton US LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
(816) 460-2400
(816) 531-7545 (fax)
lisa.gilbreath@snrdenton.com
Attorney for TAG Mobile, LLC
f/k/a dPi Mobile, LLC

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of January, 2014.

A handwritten signature in black ink, appearing to be "All the Day".