

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 21st day
of December, 2011.

In the Matter of the Application of Cintex)
Wireless, LLC for Designation as an Eligible)
Telecommunications Carrier for the State of)
Missouri for the Limited Purpose of Offering)
Lifeline and Link-Up Service to Qualifying)
Households)

File No. RA-2012-0076

**ORDER GRANTING APPLICATION FOR DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: December 21, 2011

Effective Date: December 31, 2011

Background

On September 9, 2011, Cintex Wireless, LLC filed an application with the Missouri Public Service Commission seeking designation as an Eligible Telecommunications Carrier in order to receive federal universal service support for low income customers through Lifeline and LinkUp programs. Cintex is a wireless company whose operations are not regulated by the Missouri Public Service Commission. Through this application, the company intends to provide a free wireless handset and 90 minutes of monthly usage with no monthly fees to qualifying customers throughout AT&T's non-rural service area. The specific exchanges are set out in Attachment B to the company's application.

On September 19, the Commission issued notice of the application and set an intervention deadline of September 30. There were no requests to intervene. After receiving all of the necessary information to complete its investigation, the Staff of the

Commission filed its recommendation on December 16. Staff recommends that the Commission approve the application.

Discussion

This matter is within the Commission's jurisdiction.¹ Because no party objects to the company's application, no evidentiary hearing is required.² Rights to a hearing are therefore waived.³ Based on the verified pleadings, the Commission finds and concludes as follows.

Cintex is a Delaware company authorized to do business in Missouri. Cintex is a wireless carrier whose operations are not regulated by the Commission.

The federal Universal Service Fund was established in the Telecommunications Act of 1996. The purpose of the fund is to ensure that people in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable rates.⁴ To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to telecommunications providers who serve rural and high-cost parts of the country. Before a telecommunications service provider is eligible to receive funding from the Universal Service Fund, it must be designated as an Eligible Telecommunications Company.

The Commission finds the averments in the company's application and Staff's Memorandum and Recommendation to be true. The Commission must grant ETC status to Cintex if the company offers the services set out in Section 254 of the Act and if it

¹ 47 U.S.C. §(e)(2).

² *State ex rel. Deffenderfer, Inc. v. Public Service Com'n*, 776 S.W.2d 494 (Mo. App. 1989).

³ Section 536.060, RSMo 2000.

⁴ 47 U.S.C. §254(b).

advertises the availability of those services using media of general distribution.⁵ The Commission finds that Cintex has met those requirements and will therefore designate Cintex as an eligible telecommunications carrier.

THE COMMISSION ORDERS THAT:

1. Cintex Wireless, LLC is designated as an eligible telecommunications carrier, throughout the service areas listed in Attachment B to the application, to receive low-income federal Universal Service Fund support.
2. This order shall become effective December 31, 2011.
3. This file shall be closed on January 1, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Davis, Jarrett,
and Kenney, CC., concur.
Stoll, C., not participating.

Jones, Senior Regulatory Law Judge

⁵ 47 U.S.C. §214(e)(1), (2).