

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

In the Matter of the Application of Total Call       )  
Mobile, Inc. for Limited Designation as an       ) **File No. RA-2013-0348**  
Eligible Telecommunications Carrier               )

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission and for its Response, states as follows:

1. On December 28, 2012, Total Call Mobile, Inc. (“the Company”) requested designation by the Missouri Public Service Commission (“Commission”) as an eligible telecommunications carrier (“ETC”) for the purpose of providing prepaid wireless services in Missouri supported by the federal Universal Service Fund’s Lifeline program.

2. For the reasons set forth more fully in the attached Memorandum, the Staff believes it appropriate to grant the requested ETC status, but to condition the ETC designation by the Commission, as follows:

A. The Company shall notify the Staff within 30 days of any event that falls within the following:

Please provide the details of any matter brought in the last ten years by any state or federal regulatory or law enforcement agency against the ETC, any person or entity that holds more than a 10% ownership interest in the ETC, any affiliated company (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 of state or federal Universal Service funds, or any matter 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 penalties or damages, 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.

The Staff plans to include this disclosure requirement for new and renewing ETC applicants in its proposed comprehensive amendments to the Commission's ETC rules.

B. The Company may only use the MoUSF Board-approved form when enrolling Lifeline subscribers in Missouri.

C. The Company will use either its full name or the "d/b/a" (Assurance Wireless brought to you by Virgin Mobile), which is registered with the Missouri Secretary of State when enrolling Lifeline subscribers in Missouri.

3. The Company has an obligation to update its application with new information when any statement therein becomes untrue or could mislead the reader to an inference that is untrue.

**WHEREFORE**, the Staff recommends that the Company be granted ETC designation, on the condition that it adheres to the above-listed conditions, as well as any other conditions in the Commission's rules concerning the provision of wireless Lifeline Service to low-income customers.

Respectfully submitted,



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Missouri Public Service Commission  
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**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 15<sup>th</sup> day of April, 2013.



## MEMORANDUM

To: Official Case File  
Case No. RA-2013-0348  
Company Name: Total Call Mobile, Inc.

From: Kari Salsman  
Telecommunications Unit

John Van Eschen 4-8-13                      Cully Dale 4-8-13  
Telecommunications Unit                      Staff Counsel's Office

Subject: Staff's Recommendation to Grant ETC Status

Date: April 8, 2013

<b>Date ETC application was filed:</b>	12-28-2012
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<b>Full name of Applicant:</b>	Total Call Mobile, Inc.
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The Commission Staff (Staff) has reviewed the Company's ETC application and responses to Staff data requests.

Basic Information Regarding Applicant <i>(check as appropriate)</i>				
Applicant's technology is:	Landline		Wireless	X
Applicant meets facility-based requirements?	Facility-Based		Reseller	X
If reseller, FCC has approved Lifeline compliance plan?	Yes	X	Not applicable	
Applicant's Lifeline service fees:	Monthly Fee	X	Free	X

In Staff's opinion the Company has adequately met all ETC application requirements identified in Attachment A. Staff recommends the Commission grant ETC status to the Company, applicable only to the full name of the applicant as indicated above. The Staff further recommends the Commission's order also indicate the ETC designation is subject to the following information

Purpose for Receiving ETC Status	<i>(check "X" as appropriate)</i>
Solely for the purpose of receiving Lifeline support.	X
Purpose of receiving Lifeline and high-cost support.	

Proposed Service Area	
State-wide	X
Other <i>(describe)</i>	

If ETC status is granted should applicant be authorized by the MoUSF Board to receive MoUSF support?	Yes		No	X
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Checklist Items		Citation						
Basic Application Requirements	<p>Complies with application requirements in 4 CSR 240-2.060 specifically:</p> <ul style="list-style-type: none"> <li>• Proper authorization from Missouri Secretary of State.</li> <li>• Contact information.</li> <li>• Provides statement indicating whether applicant has any pending action of final unsatisfied judgments against them by a state or federal agency or court involving customer service or rates within past 3 years.</li> <li>• Signed affidavit that verifies all information is true, accurate &amp; correct in the application.</li> </ul>	Case File Item 4 Application Pg 2 Application Exhibit 1						
	<p><b>Is the applicant already certificated or registered by the Missouri PSC to provide local voice service in Missouri?</b> (check "X" in appropriate box below)</p> <table border="1"> <tr> <td></td> <td> <b>Yes.</b> If yes, the applicant must be compliant in: <ul style="list-style-type: none"> <li>• Paying MoUSF assessment.</li> <li>• Paying MoPSC assessment.</li> <li>• Paying Relay MO assessment.</li> <li>• Annual report submissions.</li> </ul> </td> </tr> <tr> <td>X</td> <td><b>No,</b> the applicant is not certificated or registered by the Missouri PSC.</td> </tr> </table>			<b>Yes.</b> If yes, the applicant must be compliant in: <ul style="list-style-type: none"> <li>• Paying MoUSF assessment.</li> <li>• Paying MoPSC assessment.</li> <li>• Paying Relay MO assessment.</li> <li>• Annual report submissions.</li> </ul>	X	<b>No,</b> the applicant is not certificated or registered by the Missouri PSC.		
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	X	<b>No,</b> the applicant is not certificated or registered by the Missouri PSC.						
	<p><b>Has the Missouri PSC already granted ETC status to the company?</b></p> <table border="1"> <tr> <td></td> <td> <b>Yes.</b> If yes, cite the case and in space below explain the current ETC status of the company: </td> </tr> <tr> <td>X</td> <td><b>No,</b> the applicant is not previously received ETC status from the Missouri PSC.</td> </tr> </table>			<b>Yes.</b> If yes, cite the case and in space below explain the current ETC status of the company:	X	<b>No,</b> the applicant is not previously received ETC status from the Missouri PSC.		
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X	<b>No,</b> the applicant is not previously received ETC status from the Missouri PSC.							
Disciplinary History	<p>Identifies any individual or entity having a 10% or more ownership interest in the applicant, and all managers, officers and directors or any person exerting managerial control over applicant's day-to-day operations, policies, service offerings and rates.</p>	DR 0001 No. 15						
	<p><b>Does the Applicant share common ownership or management with other companies?</b> (check appropriate box below)</p> <table border="1"> <tr> <td>X</td> <td><b>Yes</b></td> </tr> <tr> <td></td> <td><b>No</b></td> </tr> </table>	X	<b>Yes</b>		<b>No</b>	DR 0001 No. 16		
	X	<b>Yes</b>						
		<b>No</b>						
	<p><b>If yes, provide the following information:</b></p> <table border="1"> <tr> <th>Companies with common ownership or management:</th> <th>Indicate if identified company has ever received federal or state USF funding.</th> </tr> <tr> <td> <ul style="list-style-type: none"> <li>• Total Call International, Inc.</li> <li>• Locas Telecommunications, Inc.</li> <li>• KDDI Global</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• No companies have ever received federal or MO State USF funding.</li> </ul> </td> </tr> </table>	Companies with common ownership or management:	Indicate if identified company has ever received federal or state USF funding.	<ul style="list-style-type: none"> <li>• Total Call International, Inc.</li> <li>• Locas Telecommunications, Inc.</li> <li>• KDDI Global</li> </ul>	<ul style="list-style-type: none"> <li>• No companies have ever received federal or MO State USF funding.</li> </ul>	DR 0001.1 No. 3		
Companies with common ownership or management:	Indicate if identified company has ever received federal or state USF funding.							
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<p><b>Have any matters been brought forth within the last ten years by any state, federal regulatory or law enforcement agency against the applicant or against any person or entity that holds more than 10% ownership interest in the applicant?</b> (check appropriate box below)</p> <table border="1"> <tr> <td></td> <td><b>No.</b></td> </tr> <tr> <td>X</td> <td> <b>Yes.</b> If yes, provide below the following information for each matter (date, agency and general description of the matter): <ul style="list-style-type: none"> <li>• Period 2006-2010: Total Call International, Inc. was subject of regulatory actions including clarification of rules regarding fees and disclosures. The company entered into settlements with attorney generals of the state of CA, NJ and FL, agreeing to clarify and amend its disclosure procedures going forward.</li> </ul> </td> </tr> <tr> <td></td> <td></td> </tr> </table>			<b>No.</b>	X	<b>Yes.</b> If yes, provide below the following information for each matter (date, agency and general description of the matter): <ul style="list-style-type: none"> <li>• Period 2006-2010: Total Call International, Inc. was subject of regulatory actions including clarification of rules regarding fees and disclosures. The company entered into settlements with attorney generals of the state of CA, NJ and FL, agreeing to clarify and amend its disclosure procedures going forward.</li> </ul>			DR 0001.1 No. 4
	<b>No.</b>							
X	<b>Yes.</b> If yes, provide below the following information for each matter (date, agency and general description of the matter): <ul style="list-style-type: none"> <li>• Period 2006-2010: Total Call International, Inc. was subject of regulatory actions including clarification of rules regarding fees and disclosures. The company entered into settlements with attorney generals of the state of CA, NJ and FL, agreeing to clarify and amend its disclosure procedures going forward.</li> </ul>							

**Adequately explains the applicant's proposed service.** Basic service characteristics:

<i>(check applicable boxes)</i>	<b>Wireless</b>	<b>Landline</b>
<b>No charge</b>	X	
<b>Monthly Fee</b>	X	

**If applicant intends to offer a free wireless Lifeline service the applicant has adequately explained:**

- How the company will ensure USF is not received until the subscriber activates the service.
- How the company will ensure support will only be received if the subscriber has used the service sometime during a 60 consecutive day time period.
- Subscriber will be de-enrolled if fails to use the service for 60 consecutive days.

Application  
Pg 6-7

**Applicant's proposed service area is adequately described.**

Application  
Pg 16-17  
Exhibit 7

**Does the applicant qualify as a facility-based provider?**

	<b>Yes.</b> If yes, describe general facilities:
X	<b>No.</b> If no then ensure: <ul style="list-style-type: none"> <li>• FCC has <u>approved</u> company's compliance plan.</li> <li>• Applicant has ensured customers will have access to 911 services.</li> </ul>

Application  
Exhibit 5

DR 0001  
No. 3A

**Advertising commitments.**

- Provides a statement certifying the company will advertise the availability of its supported service.
- Provides reasonable explanation of how the applicant will advertise.
- If advertising by direct mail the company has provided a reasonable explanation of how it will target these mailings.
- **Were Missouri-specific advertising examples provided?**

X	<b>Yes</b>
	<b>No</b>

Application  
Pg 14-16  
Exhibit 4

DR 0001  
No. 4

**Demonstrates can remain functional in emergency situations.**

Application  
Pg 18  
DR 0001.1  
Attachment  
A

**Provides statement will satisfy applicable consumer protection, consumer privacy and service quality standards and provides a reasonable list of applicable standards. (*Wireless applicants must agree to comply with Cellular and Internet Assoc.'s Consumer Code for Wireless Service.*)**

DR 0001  
No. 7

**Will applicant maintain information about service provisioning and rates in a (*check appropriate box below*):**

<b>Tariff</b>	
<b>Informational Filing</b>	<b>Will file within 30 days of ETC status</b>
<b>Website (<i>indicate website</i>)</b>	<b>www.totalcallmobile.com</b>

DR 0001  
No. 8  
DR 0001.1  
No. 2

	Provides a reasonable explanation of: <ul style="list-style-type: none"><li>How the applicant intends to provide service throughout the proposed service area, including whereby the applicant lacks facilities or network coverage.</li><li>How service will be provided in a timely manner to requesting customers.</li></ul>	DR 0001 No. 9 DR 0001 No. 10				
	Commits to maintain a record of complaints, including an agreement to make such records available upon request to the commission staff.	DR 0001 No. 11				
	Commits to remit required, collected 911 revenues to local authorities.	DR 0001 No. 12				
	Provides a reasonable demonstration the applicant is financially viable and technically capable of providing voice telephony service.	Application Pg 19-20				
	<b>Does the applicant intend to provide access to directory assistance services, operator services and interexchange services?</b> <table><tr><td>X</td><td>Yes</td></tr><tr><td></td><td>No</td></tr></table>	X	Yes		No	Application Pg 13-14
	X	Yes				
		No				
	Certifies all Lifeline funding will flow through to the subscriber.	DR 0001 No. 18				
	Commits to conduct business only through the name identified in the application and will not use any additional service or brand names. <i>(If company's name includes a d/b/a name then the company can either use the company's full name and/or the d/b/a name. For instance "ABC Company d/b/a Company W" can use that full name or simply "Company W". The company cannot solely use the parent name "ABC Company" or a name different from d/b/a name.)</i>	DR 0001 No. 19				
	Commits to comply with all requirements associated with the Lifeline program contained in 47 CFR Part 54 Subpart E.	DR 0001 No. 20				
Commits to comply with all Lifeline requirements established by the Missouri PSC even if solely funded by federal USF.	DR 0001 No. 21					
<b>Will the applicant seek support from the MoUSF? (check appropriate box below)</b> <table><tr><td></td><td>Yes. If yes, ensure applicant only seeks MoUSF for landline service.</td></tr><tr><td>X</td><td>No.</td></tr></table>		Yes. If yes, ensure applicant only seeks MoUSF for landline service.	X	No.	DR 0001 No. 22	
	Yes. If yes, ensure applicant only seeks MoUSF for landline service.					
X	No.					
Lifeline/Disabled Program Compliance	<b>Does applicant intend to participate in the Disabled program? (check appropriate box below)</b> <table><tr><td></td><td>Yes. If yes, ensure applicant only seeks MoUSF for landline service.</td></tr><tr><td>X</td><td>No.</td></tr></table>		Yes. If yes, ensure applicant only seeks MoUSF for landline service.	X	No.	DR 0001 No. 22
		Yes. If yes, ensure applicant only seeks MoUSF for landline service.				
	X	No.				
	Adequately demonstrates how the applicant will ensure that the full amount of Lifeline or Disabled support will be passed through to the qualifying low-income consumer.	DR 0001 No. 18				
	Commits to use only a board approved Lifeline or Disabled application form.	DR 0001 No. 24 DR 0001.1 Attachment C				
Adequately explains how the applicant will initiate Lifeline or Disabled service to a subscriber. Explanation should include how company will ensure: <ul style="list-style-type: none"><li>The subscriber meets eligibility requirements.</li><li>The subscriber's identity and address are correct.</li><li>Only one Lifeline or Disabled discount is provided to a household.</li></ul>	DR 0001 No. 25					

	Adequately explains how the applicant intends to annually verify a customer's continued eligibility for the Lifeline or Disabled program, including what action will be taken if a subscriber fails to adequately respond or is no longer eligible for support.		Application Pg 13-14 Exhibit 5 DR 0001 No. 27				
	<b>Use of independent contractors to sign-up Lifeline subscribers</b> ( <i>check appropriate box below</i> ): <table border="1" data-bbox="159 331 1323 436"> <tr> <td data-bbox="159 331 1222 401">Intends to use independent contractors to sign-up Lifeline subscribers. If so then applicant also commits to take full responsibility for these contractors.</td> <td data-bbox="1222 331 1323 401">X</td> </tr> <tr> <td data-bbox="159 401 1222 436">Does not intend to use independent contractors.</td> <td data-bbox="1222 401 1323 436"></td> </tr> </table>		Intends to use independent contractors to sign-up Lifeline subscribers. If so then applicant also commits to take full responsibility for these contractors.	X	Does not intend to use independent contractors.		DR 0001 No. 28 DR 0001.1 No. 7
Intends to use independent contractors to sign-up Lifeline subscribers. If so then applicant also commits to take full responsibility for these contractors.	X						
Does not intend to use independent contractors.							
	Adequately demonstrates how it will monitor its employees, agents or contractor to ensure they comply with all applicable laws and rules concerning Lifeline or Disabled Programs.		DR 0001 No. 28				
	Commits to notify the commission of any changes to company contact information.		DR 0001 No. 29				
	Provides statement the applicant complies with all reporting and assessment requirements (if certificated or registered with the commission).		N/A				
	Provides statement the applicant is compliant with contribution obligations to the FUSF.		DR 0001 No. 31				
	<b>FCC waivers</b> ( <i>check appropriate box below</i> ): <table border="1" data-bbox="159 846 1323 1016"> <tr> <td data-bbox="159 846 1114 951">Applicant has obtained waivers from FCC of certain ETC requirements and provided a copy of the FCC's decision.</td> <td data-bbox="1114 846 1323 951">X Facility Based Requirement</td> </tr> <tr> <td data-bbox="159 951 1114 1016">Applicant has not sought any waivers from the FCC regarding ETC requirements.</td> <td data-bbox="1114 951 1323 1016"></td> </tr> </table>		Applicant has obtained waivers from FCC of certain ETC requirements and provided a copy of the FCC's decision.	X Facility Based Requirement	Applicant has not sought any waivers from the FCC regarding ETC requirements.		Application Pg 10-11 DR 0001 No. 32
Applicant has obtained waivers from FCC of certain ETC requirements and provided a copy of the FCC's decision.	X Facility Based Requirement						
Applicant has not sought any waivers from the FCC regarding ETC requirements.							