

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day
of October, 2011.

In the Matter of the Application of Aegis Telecom,)
Inc. d/b/a Off the Hook Telecom for Designation)
as an Eligible Telecommunications Carrier in the)
State of Missouri.)

File No. RA-2011-0349

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

Issue Date: October 19, 2011

Effective Date: October 29, 2011

Syllabus: The Missouri Public Service Commission grants eligible telecommunications carrier (“ETC”) status to Aegis Telecom, Inc., d/b/a Off the Hook Telecom (hereafter “Aegis”) for the purpose of receiving low-income and disabled customer support, with waiver of regulations applicable to high cost support, as follows.

Procedural History

On April 20, 2011¹, Aegis Telecom, Inc., d/b/a Off the Hook Telecom (hereafter “Aegis”) requested designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving Lifeline and Linkup federal universal service support. Aegis’ application is limited to a request to receive only low-income federal Universal Service Fund support for Lifeline, support related to giving qualifying low-income customers discounts on monthly rates, and LinkUp, support designed to provide qualifying low-income customers discounts on initial connection fees. Aegis is not requesting

¹ Calendar references are to 2011 unless otherwise stated.

federal high-cost USF support or Missouri state USF support. Aegis requests ETC designation in the service areas of Incumbent Local Exchange Carriers listed in Exhibit B to its application.

The Commission issued notice of the application on April 22, giving potentially interested parties until May 12 to request intervention. The Commission received no intervention requests.

The Staff of the Commission filed a Motion for Indefinite Continuance on June 2, which it withdrew on July 12. On September 16, Staff filed a Request for Extension of Time, explaining that Aegis had not submitted a customer form that complies with Commission rules. The Commission granted that request.

Aegis supplemented its application on September 26. Staff filed its Recommendation on October 12, requesting that the Commission grant Aegis the requested relief.

Discussion

The application is within the Commission's jurisdiction to decide.² Because no party objects to Aegis' application, no evidentiary hearing is required.³ Thus, the Commission deems the hearing waived⁴, and bases its findings on the verified filings, and makes its conclusions as follows.

Aegis is a Tennessee corporation authorized to do business in Missouri. Aegis is a mobile wireless carrier whose operations are not regulated by the Commission. Aegis

² 47 U.S.C. § 214(e)(2).

³ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo.App. 1989).

⁴ Section 536.060, RSMo 2000.

is not delinquent or non-compliant with any Commission reporting or assessment requirements.

The federal Universal Service Fund was established in the Telecommunications Act of 1996. The stated purpose of the fund is to ensure that telephone customers in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable and affordable rates.⁵ To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to telecommunications service 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, referred to by the acronym ETC.

Aegis requests waivers of Commission Rules 4 CSR 240-3.570(2)(A)1-3 (requiring filings regarding the intended use of high-cost support) and 4 CSR 240-3.570(4) (annual certification filing requirements). Aegis states that these regulations are applicable only for carriers seeking high-cost support. Staff did not object to the Commission granting the waivers.

The Commission finds the allegations in the Application and its supplements, and Staff's Memorandum and Recommendation to be true. The Commission must grant Aegis eligible telecommunications carrier designation if it offers the services set out in Section 254 of the Act and if it advertises the availability of those services using media of general distribution.⁶ The Commission finds that Aegis has met those requirements.

⁵ 47 U.S.C. 254(b).

⁶ 47 U.S.C. § 214(e)(1), (2).

Therefore, the Commission will designate Aegis as an eligible telecommunications carrier.

The Commission may waive regulations based upon good cause.⁷ Good cause exists to waive those regulations due to Aegis' application being limited to seeking only federal low-cost USF support.

THE COMMISSION ORDERS THAT:

1. Aegis Telecom, Inc., d/b/a Off the Hook Telecom is designated as an eligible telecommunications carrier throughout the service areas of the Incumbent Local Exchange Carriers set forth in Exhibit B to the application, under the provisions of 47 U.S.C. §§ 214 and 254, to receive low-income federal universal service fund support.
2. The requirements of 4 CSR 240-3.570(2)(A)1-3 and 4 CSR 240-3.570(4) are waived.
3. This order shall become effective on October 29, 2011.
4. This case shall be closed on October 30, 2011.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Davis, Jarrett,
and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge

⁷ Commission Rules 4 CSR 240-2.015(1), 3.015(1).