

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 17th day of July, 2012.

In the Matter of the Application of T-Mobile Central LLC)
for Designation as an Eligible Telecommunications) **File No. RA-2012-0195**
Carrier for Purposes of Low Income Support Only)

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

Issue Date: July 17, 2012

Effective Date: July 27, 2012

On December 22, 2011, T-Mobile Central LLC (“T-Mobile”) requested designation by the Missouri Public Service Commission (“Commission”) as an eligible telecommunications carrier for the purpose of receiving federal universal service fund support for qualifying low-income consumers through the Lifeline and Link Up programs within its service area in Missouri.¹ T-Mobile amended its application on March 30, 2012 to remove references to the Link Up program, since the Federal Communications Commission eliminated that program subsequent to the filing of T-Mobile’s application. T-Mobile is a nationwide common carrier of wireless voice, messaging and data services whose principal offices are located at 12920 SE 38th Street, Bellevue, Washington 98006.

The Commission issued notice and set a deadline for intervention. No person or entity sought intervention in this matter, and no party has requested a hearing. The

¹ The application was filed pursuant to 47 U.S.C. 214(e)(1)-(2) of the federal Communications Act of 1934, as amended by the Telecommunications Act of 1996; Sections 54.101 - 54.207 of the rules of the Federal Communications Commission; Section 392.248, RSMo; and the rules and regulations of the Commission, including 4 CSR 240-3.570.

Commission's Staff and T-Mobile engaged in negotiations concerning the application, which resulted in those parties filing a *Joint Stipulation and Agreement and Staff Recommendation* on July 9, 2012. The agreement provides that T-Mobile will notify Staff of any actions filed against it relating to Lifeline service, the use of universal service funds, or claims of fraud and deceit. Staff recommends that the Commission grant T-Mobile's application, subject to the provisions of the joint stipulation and agreement.

The application is within the Commission's jurisdiction to decide.² Since no law requires a hearing, this is a non-contested case.³ Non-contested cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.⁴ Consequently, the Commission bases its decision on the verified filings.

The federal Universal Service Fund was established in the Telecommunications Act of 1996 ("Act"). 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 low-income customers or rural and high cost areas.

² 47 U.S.C. § 214(e)(2).

³ Section 536.010(4) defines a "contested case" as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing."

⁴ *Sapp v. City of St. Louis*, 320 S.W.3d 159, 163 (Mo. App. 2010).

⁵ 47 U.S.C. 254(b).

Before a telecommunications service provider is eligible to receive funding from the Universal Service Fund, it must be designated as an Eligible Telecommunications Company (“ETC”). Section 214(e)(6) of the Act provides, in pertinent part:

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law.

T-Mobile is authorized to do business in Missouri. T-Mobile is a mobile wireless carrier whose operations are not regulated by the Commission. It is not delinquent or non-compliant with any Commission reporting or assessment requirements.

The Commission finds the assertions in the application, and its supplements, and the *Joint Stipulation and Agreement and Staff Recommendation* to be true. The Commission must grant T-Mobile eligible telecommunications carrier designation if it satisfies all federal and state requirements.⁶ Based upon its independent and impartial review of the verified application and staff recommendation, the Commission finds that T-Mobile has met all federal and state requirements and that it is in the public interest to grant the ETC application. Therefore, the Commission will designate T-Mobile as an eligible telecommunications carrier solely for the purpose of receiving federal Lifeline support, subject to the provisions of the joint stipulation and agreement.

THE COMMISSION ORDERS THAT:

1. T-Mobile Central LLC is designated as an eligible telecommunications carrier to receive low-income Lifeline federal universal service fund support as provided in its application, as amended, subject to the provisions of the *Joint Stipulation and*

⁶ 47 U.S.C. § 214(e)(1),(2) and (6).

Agreement and Staff Recommendation filed on July 9, 2012, which is attached hereto as Attachment A and incorporated herein by reference in its entirety.

2. This order shall become effective on July 27, 2012.
3. This case shall be closed on July 28, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Bushmann, Regulatory Law Judge