

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

In the Matter of the Revocation of the)
Eligible Telecommunications Carrier Designation) File No. RC-2016-0278
of Total Call Mobile, Inc.)

ORDER REGARDING *STIPULATION OF DISMISSAL*

Issue Date: November 7, 2016

Effective Date: November 7, 2016

The Commission’s staff (Staff”) initiated this case¹ against Total Call Mobile, Inc., (“TCM”), seeking the rescission of TCM’s Eligible Telecommunications Carrier (“ETC”) designation. ETC designation (“designation”) qualifies TCM to participate in the Lifeline Service program, for which the Universal Service Fund (“Fund”) provides reimbursement to ETC for telecommunications services. Designation is subject to rescission² for violation of state and federal regulations.³ Staff charges TCM with such violations by alleging that TCM unlawfully obtained reimbursement from the Fund. The Commission has issued a procedural schedule for the resolution of this case.⁴

Staff and TCM (“signatories”) filed a *Stipulation of Dismissal*,⁵ which discusses dismissal of this case upon an order of the Commission “confirming” TCM’s relinquishment of its designation. Relinquishment of designation is subject to federal statutes and

¹ Electronic Filing Information System (“EFIS”) No. 1 (April 14, 2016) *Motion for Provisional Revocation of the ETC Designation of Total Call Mobile, Inc. and Request for Order to Show Cause Why the Designation Should Not Be Permanently Revoked.*

² 4 CSR 240-31.130(4)(C)2.

³ 4 CSR 240-31.130(4)(A).

⁴ EFIS No. 25 (October 11, 2016) *Order Setting Procedural Schedule and Directing Filing, and Notice of Hearing*.

⁵ EFIS No. 26 (October 25, 2016).

regulations. Those provisions include certain requirements. For example, TCM can only relinquish its designation if another ETC serves TCM's area.⁶ A related provision requires the Commission—"[p]rior to permitting" TCM to cease providing universal service—to "ensure that all customers served by [TCM] will continue to be served"⁷ by another ETC.

According to the *Stipulation of Dismissal*, TCM "represents that it is making a good faith effort to migrate its customers" to another ETC. The *Stipulation of Dismissal* does not link that representation, or any other, to any provision of law governing relinquishment of TCM's designation. Therefore, the Commission will reserve ruling on the *Stipulation of Dismissal* until the parties show that TCM is relinquishing its designation as provided by law.

THE COMMISSION ORDERS THAT:

1. The Commission reserves ruling on the *Stipulation of Dismissal*.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of November, 2016.

⁶ 47 USC 214(e)(4); 47 C.F.R. 54.205(a).

⁷ 47 USC 214(e)(4); 47 C.F.R. 54.205(b).

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 7th day of November 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 7, 2016

File/Case No. RC-2016-0278

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

James Owen
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@ded.mo.gov

**Missouri Public Service
Commission**

Cully Dale
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
cully.dale@psc.mo.gov

Total Call Mobile, Inc.

Carl J Lumley
130 S. Bemiston, Ste. 200
St. Louis, MO 63105
clumley@chgolaw.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.