

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16th day of December, 2015.

In the Matter of the Application of American Wireless, Inc.)
for Designation as an Eligible Telecommunications)
Carrier for the Purpose of Offering Lifeline Support and) **File No. RA-2016-0072**
High-Cost Support Under Connect America Fund)

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

Issue Date: December 16, 2015

Effective Date: January 15, 2016

On September 23, 2015, American Wireless, Inc. (“American”) requested designation by the Missouri Public Service Commission (“Commission”) as an eligible telecommunications carrier for the purpose of receiving federal universal service support funds under the Lifeline program and high-cost support under the Connect America Fund. American’s proposed service area is the entire state of Missouri. American does not intend to seek funding for its Lifeline services under the Missouri Universal Service Fund.

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. On December 7, 2015, the Commission’s Staff filed a *Staff Recommendation*, which recommends that the Commission grant American’s application. Staff also recommends that the Commission waive the requirement to submit a five year plan in Commission rule 4 CSR 240-31.130(1)(F)(3), on the condition that American file such a plan within 30 days

of being granted high cost support. On December 11, 2015, American filed a response stating that it does not object to the Staff recommendation.

The application is within the Commission's jurisdiction to decide.¹ Since no law requires a hearing, this is a non-contested case.² Non-contested cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.³ 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.⁴ 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.

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.

¹ 47 U.S.C. § 214(e)(2).

² Section 536.010(4), RSMo, 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."

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

⁴ 47 U.S.C. 254(b).

American is authorized to do business in Missouri. American 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 the *Staff Recommendation* to be true. The Commission must grant American eligible telecommunications carrier designation if it satisfies all federal and state requirements.⁵ Based upon its independent and impartial review of the verified application and staff recommendation, the Commission finds that American 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 American as an eligible telecommunications carrier solely for the purpose of receiving federal universal service support funds under the Lifeline program and high-cost support under the Connect America Fund. The Commission will grant a waiver of Commission rule 4 CSR 240-31.130(1)(F)(3), on the condition that American file such a plan within 30 days of being granted high cost support.

THE COMMISSION ORDERS THAT:

1. American Wireless, Inc. is designated as an eligible telecommunications carrier to receive federal universal service support funds under the Lifeline program and high-cost support under the Connect America Fund, as provided in its application.
2. American Wireless, Inc. is not authorized to receive funding for its Lifeline services under the Missouri Universal Service Fund.

⁵ 47 U.S.C. § 214(e)(1),(2) and (6).

3. American Wireless, Inc.'s request for a waiver of Commission rule 4 CSR 240-31.130(1)(F)(3) is granted. American Wireless, Inc. shall file such a plan within 30 days of being granted high cost support.

4. This order shall become effective on January 15, 2016.

5. This case shall be closed on January 16, 2016.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Bushmann, Senior Regulatory Law Judge