

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

In the Matter of the Application of YourTel       )  
America for Designation as an Eligible        ) Case No. \_\_\_\_\_  
Telecommunications Carrier                    )

**APPLICATION FOR MODIFICATION OF DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE STATE OF MISSOURI**

YourTel America, Inc. ("Company" or "YourTel"), pursuant to Section 214(e)(2) and Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act"), Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"), and 4 CSR 240-3.570, hereby applies to the Missouri Public Service Commission ("Commission") for modification of its designation as an Eligible Telecommunications Carrier ("ETC") to include the additional exchanges listed herein, for the purpose of receiving low-income federal universal service support. In support of this Application, YourTel states the following:

I.     YOURTEL AMERICA, INC.

1.     The Company is a corporation organized under the laws of the State of Missouri. YourTel's Certificate of Good Standing is attached as Exhibit A. YourTel is a competitive local exchange carrier ("CLEC") in Missouri, pursuant to a certificate of service authority granted to The Pager Company in Case No. TA-99-115. In Case No. TO-2002-165, the Commission acknowledged the addition of a fictitious name, i.e., The Pager Company d/b/a The Pager and Phone Company. On December 15, 2006, The Pager Company d/b/a The Pager and Phone Company filed adoption notices and revised tariff title sheets, with a proposed effective date of January 17, 2007, to reflect its change of corporate name to YourTel America, Inc. in Case No. CN-2007-0218. The Commission recognized YourTel's name change by Order dated January 3, 2007. YourTel's office and principal place of business is located at 2800 E. 18<sup>th</sup> St., Kansas

City, Missouri. The Company's telephone number is 816-492-4377. The Company's web site URL is [www.yourtelamerica.com](http://www.yourtelamerica.com).

2. Correspondence and communications regarding this Application should be directed to:

Mark P. Johnson  
Roger W. Steiner  
Sonnenschein Nath & Rosenthal  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Telephone: (816) 460-2424  
Facsimile: (816) 531-7545  
Electronic mail: [mjohnson@sonnenschein.com](mailto:mjohnson@sonnenschein.com)  
[rsteiner@sonnenschein.com](mailto:rsteiner@sonnenschein.com)

3. YourTel America, Inc., f/k/a The Pager and Phone Company is currently an ETC in the State of Missouri as per Commission order granting ETC status in Case No. CO-2003-0094, effective April 11, 2003 ("the April 11, 2003 Order"). In this Application, YourTel seeks to expand its ETC certification to include additional AT&T Missouri exchanges, principally in and around the St. Louis Metropolitan area. A list of the AT&T exchanges where the Company is currently certificated as an ETC is attached as Exhibit B. YourTel seeks ETC certification in the AT&T exchanges listed in Exhibit C so that it may expand its offering to the St. Louis market; none of the exchanges to which YourTel seeks to extend its ETC status is a rural exchange.

4. The Company provides local exchange or exchange access services in Missouri via a combination of its own facilities and a Commercial Agreement with AT&T.

5. Since being granted ETC status, YourTel has proven itself to be a conscientious and stable provider of Lifeline and Link-Up services in Missouri. YourTel has already spent approximately \$1,296,000 in Missouri to advertise and publicize the availability and benefits of Lifeline and Link-Up services, and has budgeted \$282,000 for advertising in its first year of service in the St. Louis market, which it will implement upon grant of this Application and opening of the market.

6. YourTel has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. No Commission annual reports or assessment fees are overdue. YourTel is current and in good standing with the Universal Service Administrative Company.

II. YOURTEL SATISFIES THE REQUIREMENTS SET FORTH IN SECTION 214 (E)(1) OF THE ACT AND 47 C.F.R. 54.501(D)(1) AND (2) FOR DESIGNATION AS AN ETC TO SERVE THE DESIGNATED AREA

7. YourTel will comply with all requirements for designation as an ETC in the St. Louis market, as demonstrated in this section of the Application.

8. Pursuant to the FCC's Order released August 10, 2000, Section 214(e)(1) of the Act does not require a carrier to provide supported services throughout a service area prior to being designated as an ETC.

9. YourTel is a common carrier as that term is defined in the Act. The Company provides competitive local telecommunications services in Missouri.

10. YourTel will offer all of the supported services enumerated under Section 254(c) of the Act using a combination of its own facilities and facilities obtained through commercial agreements with AT&T. Accordingly, YourTel satisfies the requirement set forth in Section 214(e)(1)(A) of the Act.

11. YourTel agrees to provide in the exchanges for which ETC designation is sought each of the services supported by Federal universal service support mechanisms under Section 254(c) of the Act. These services include:

- a) Voice grade access to the public switched network.
- b) Local usage.
- c) Dual tone multi-frequency signaling or its functional equivalent.
- d) Single-party service or its functional equivalent.

- e) Access to emergency services.
- f) Access to operator services.
- g) Access to interexchange service.
- h) Access to directory assistance.
- i) Toll limitation for qualifying low-income consumers.

12. YourTel provides the supported services in Missouri where it is presently designated as an ETC, and will provide those services in the exchanges in which it is seeking ETC designation with this Application.

13. YourTel advertises the supported services in media of general distribution as required in Section 214(e)(1) of the Act and 4 CSR 240-3.570(2)(A)(6) and (7). As noted above, YourTel has already to date spent approximately \$1,296,000 in Missouri to advertise and publicize the availability and benefits of Lifeline and Link-Up services, and plans to spend an additional \$282,000 in the St. Louis area alone during its first year of ETC designation.

III. YOURTEL SATISFIES ALL APPLICABLE REQUIREMENTS CODIFIED AT 47 C.F.R. 54.202(A)(1)-(5) AND 4 CSR 240-3.570 FOR DESIGNATION AS AN ETC TO SERVE THE DESIGNATED AREA

14. YourTel will continue to comply with all applicable requirements of the Commission's April 11, 2003 Order.

15. YourTel commits to provide service throughout its proposed designated service area to all customers making a reasonable request for service.

16. YourTel will provide service on a timely basis within its designated service area, as required by the April 11, 2003 Order. However, as YourTel purchases access lines from AT&T, whether the Company is able to serve a particular subscriber is dependent on where AT&T Missouri's network is located or where AT&T builds out its network. Where special conditions or special requirements of the customer involve unusual construction or installation costs, the customer may be required to pay a reasonable portion of such costs in accordance with 4 CSR

240-3.570(3)(C), and if there is no possibility of providing service to the requesting customer, YourTel shall notify the customer and include such information in its annual certification documentation to the Commission, as required by 4 CSR 3.570(3)(D).

17. The FCC has determined that Lifeline providers utilize Federal universal service support for the purpose it was intended when the carrier reduces the price of access to telecommunications services for the eligible customer by the amount of that support.<sup>1</sup> YourTel will pass through all applicable state and Federal service discounts to its end-user customers, thus reducing the price of access to telecommunications services for the Lifeline and Link-Up eligible customer.

18. YourTel's ability to remain functional in an emergency situation is dependent on that of AT&T Missouri, its underlying network based carrier.

19. YourTel will comply with all applicable federal and state consumer protection, consumer privacy, and service quality standards.

20. YourTel offers a local usage plan with unlimited calling within the customer's local calling area for a flat monthly fee, which is comparable to the one offered by AT&T Missouri in the service area for which it seeks designation.

21. YourTel acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that all other eligible telecommunications carriers within the Designated Area relinquish their designations.

#### IV. YOURTEL'S PROPOSED LIFELINE SERVICE RATES AND CHARGES AND TARIFFED REGULATIONS

22. YourTel's Lifeline and Link-Up rates are found in its tariff. These same rates will be applicable to customers in the AT&T exchanges listed in Exhibit C.

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<sup>1</sup> *In the Matter of Federal-State Board on Universal Service, Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. Sec. 214(e)(1)(A) and 47 C.F.R. Sec. 54.201(i),* ¶ 26 (CC Docket No. 96-45, rel. Sept. 8, 2005).

V. YOURTEL'S DESIGNATION AS AN ETC IN MISSOURI IS IN THE PUBLIC INTEREST

23. The Commission's application of the FCC's public interest test will demonstrate that YourTel's designation as an ETC in the State of Missouri is consistent with the public interest, convenience and necessity.

A. YourTel's Designation Would Lead to Increased Consumer Choice

24. Competitive carriers do not often request ETC designation or offer Lifeline and Link-Up services. Designation of company as an ETC will increase the low-income consumer's choice of carriers.

25. For those consumers who choose to do business with a local provider or who do not maintain a banking relationship or a credit card, YourTel will provide an alternative to higher priced pre-paid local exchange carriers.

B. YourTel's Designation Would Lead to Increased Subscribership

26. YourTel's advertising will publicize the availability of Lifeline and Link-Up in a manner reasonably designed to all consumers likely to qualify for these services. Accordingly, more low-income Missouri residents will be made aware of the Lifeline and Link-Up programs. Increased awareness leads to increased subscribership in these programs for all carriers.

C. YourTel's Designation Would Lead to Investment in the St. Louis Area

27. As a result of the granting of this Application, aside from increasing the availability of Lifeline and Link-Up services in the State of Missouri, YourTel will also be able to provide the following economic benefits:

- a) 13 jobs created in St. Louis;
- b) \$877,000 Market Investment;
- c) Increased telephone penetration;
- d) Introduction of PayAsYouGo Home Phone Service into the St. Louis Market; and
- e) Company staffed repair department.

VI. YOURTEL'S DESIGNATION WILL HAVE MINIMAL IMPACT ON THE FEDERAL UNIVERSAL SERVICE FUND

28. YourTel requests reimbursement from the Low-Income Division of the USAC only. YourTel does not request reimbursement from any high cost program of a state universal service fund, or from the High Cost Division of the USAC.

VII. CONCLUSION

For all of the reasons set forth herein, YourTel respectfully requests the Missouri Public Service Commission to designate it an Eligible Telecommunications Carrier in exchanges listed in Exhibit C.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: /s/ Mark P. Johnson

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ATTORNEYS FOR YOURTEL AMERICA, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been mailed electronically, this 11th day of April, 2008, to:

Office of the Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102-2230

General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-2230

/s/ Mark P. Johnson  
Attorneys for YourTel America, Inc.



**VERIFICATION**

STATE OF MISSOURI       )  
                                          ) ss.  
COUNTY OF JACKSON     )

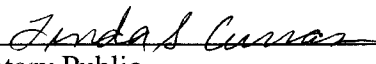
COMES NOW Mark Johnson, being of lawful age and duly sworn, who swears and affirms as follows:

1. My name is Mark Johnson, and I am an attorney for YourTel America ("Applicant"). In that capacity, I am authorized to verify the statements contained in the Application above, and the information contained therein, on behalf of Applicant.

2. The information contained in the above-described document is true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Mark Johnson

Subscribed and sworn to before me this 11th day of April, 2008.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

8/6/2010

