

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

In the Matter of the Application of                     )  
dPi Teleconnect, LLC for Designation as         )       **File No. CO-2010-0054**  
an Eligible Telecommunications Carrier         )

**STAFF RECOMMENDATION FOR REVISED APPLICATION FILINGS AND TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this recommendation respectfully stating the following to the Missouri Public Service Commission (Commission):

Procedural Summary

1. On August 7, 2009, dPi Teleconnect, LLC (dPi or Company) filed an *Application For Designation As An Eligible Telecommunications Carrier (Application)*, requesting designation throughout certain AT&T Missouri service territories for the purpose of receiving federal universal service low income support, and for a waiver of CSR 240-3.570(2)(A)1-3, 4 CSR 240-3.570(2)(C), and 4 CSR 240-3.570(3)(C)3.

2. During the review of the initial materials submitted by the Company, the Staff found discrepancies between the information provided and the Company’s annual reports, which lead the Staff to further question the facilities owned and resale provided by the Company, and whether the Company had fully complied with the collection and funding requirements for the Missouri Universal Service and Relay Missouri Funds. The Staff filed a recommendation on March 5, 2010, recommending to the Commission that it deny dPi’s *Application*, or allow the Company no more than thirty (30) days to correct the *Application’s* deficiencies.

3. On April 7, 2010, dPi filed a *Response to Staff Recommendation (Response)* addressing some of the Staff’s concerns. In addition, the Company has provided revised information to the Staff several times since its *Response*.

4. On May 10, 2010, dPi submitted a tariff, assigned tracking number JC-2010-0602, including the rates, rules, and regulations governing the Company's provision of Lifeline services if designated ETC status. The Company filed the tariff with an effective date of May 12, 2010, which was subsequently corrected to June 9, 2010.

#### Applicable Statutes and Rules

5. Section 214(e)(2) of the Telecommunications Act of 1996 provides that a state commission shall designate a common carrier as an eligible telecommunications carrier (ETC) provided that the carrier meets the requirements of Section (e)(1), which requires a carrier designated as an ETC to offer the services that are supported by the Federal universal service support mechanisms, using either its own facilities or a combination of its own facilities and resale of another carrier's services, and to advertise the availability of such services and the related charges using media of general distribution.

6. 4 CSR 240-3.570 contains the filing requirements for an applicant seeking designation from the Commission as an ETC, and the service and filing requirements of an ETC once so designated.

7. The Commission has the authority to approve proposed tariff revisions pursuant to Section 392.220 RSMo (Supp. 2009).

#### Recommendation on ETC Designation and Tariff

8. The Staff has reviewed dPi's *Response*, annual report submissions, data request responses, and supplemental revised information to determine that the Company is now in compliance with the requirements for ETC designation. The Staff's *Memorandum* is attached hereto, which includes a summary of the Company's compliance with the ETC requirements and supporting documentation labeled as Attachment A.

9. The Staff recommends that the Commission grant dPi's *Application* for designation as an eligible telecommunications carrier in Missouri and waive CSR 240-3.570(2)(A)1-3, 4 CSR 240-3.570(2)(C), and 4 CSR 240-3.570(3)(C)3 as they apply only to telecommunications companies seeking high-cost USF support.

10. Additionally, the Staff recommends that the proposed tariff and the services, rates and charges contained therein are in compliance with the Commission's rules on tariff filings, federal and state ETC requirements and the Company's certificate of service authority granted in TA-2000-44.

11. The Company is current with the filing/funding requirements for the Missouri USF Assessment, Commission Assessment, Relay Missouri and Annual Reports.

**WHEREFORE**, the Staff submits this *Recommendation* for the Commission's information and consideration and requests that the Commission issue an order granting dPi Teleconnect, LLC's *Application* for designation as an eligible telecommunications carrier, grant the Company a waiver for CSR 240-3.570(2)(A)1-3, 4 CSR 240-3.570(2)(C), and 4 CSR 240-3.570(3)(C)3, as the provisions only apply to telecommunication companies seeking high-cost USF support, and approve the Company's tariff P.S.C Mo. Tariff No. 2 as filed in JC-2010-0602, canceling P.S.C. Mo. Tariff No. 1.

Respectfully submitted,

**/s/ Jennifer Hernandez**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail on Mark P. Johnson, Sonnenschein Nath & Rosenthal LLP, Attorneys for dPi Teleconnect, LLC at [mjohnson@sonnenschein.com](mailto:mjohnson@sonnenschein.com); and The Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 28<sup>th</sup> day of May, 2010.

**/s/ Jennifer Hernandez**