

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

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 High-Cost)
Support Under Connect America Fund) **File No. RA-2016-0072**

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its Response, states as follows:

1. On September 23, 2014, American Wireless, Inc. (“the Company”) requested designation by the Missouri Public Service Commission (“Commission”) as an eligible telecommunications carrier (“ETC”) in order to be eligible to receive lifeline and high-cost support from the Connect America Fund.

2. For the reasons set forth more fully in the attached Memorandum, the Staff believes it appropriate to grant the requested ETC status.

3. The Company has an obligation to update its application with new information when any statement therein becomes untrue or could mislead the reader to an inference that is untrue.

WHEREFORE, the Staff recommends that the Company be granted ETC designation, in compliance with the Commission’s rules concerning the provision of wireless Lifeline Service to low-income customers and its requirements of ETCs that receive high-cost support.

Respectfully submitted,



Colleen M. Dale
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Attorney for the Staff of the
Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of December, 2015.



MEMORANDUM

To: Official Case File
Case No. RA-2016-0072
Company Name: American Wireless, Inc.

From: Dana Parish
Telecommunications Unit

John Van Eschen (12/7/2015) Cully Dale (12/7/2015)
Telecommunications Unit Staff Counsel's Office

Subject: Staff's Recommendation to Grant ETC Status

Date: December 7, 2015

Date ETC application was filed:	9/23/2015
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Full name of Applicant:	American Wireless, Inc.
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The Commission Staff (Staff) has reviewed the Company's ETC application and responses to Staff data requests.

Basic Information Regarding Applicant <i>(check as appropriate)</i>				
Applicant's technology is:	Landline		Wireless	X
Applicant meets facility-based requirements?	Facility-Based	X	Reseller	
If reseller, FCC has approved Lifeline compliance plan?	Yes		Not applicable	X
Applicant's Lifeline service fees:	Monthly Fee	X	Free	

In Staff's opinion the Company has adequately met all ETC application requirements identified in Attachment A. Staff recommends the Commission grant ETC status to American Wireless, Inc. The company essentially wants ETC status in order to bid for Connect America Phase II funding. The order should indicate ETC status is for the purpose of receiving Lifeline and high cost support in the event the company submits a winning bid. The Staff further recommends the Commission's order waive the requirement to submit a five year plan as required by 4 CSR 240-31.130(1)(F)(3) on the condition the company will do so within 30 days of being granted high cost support. The order should indicate the ETC's proposed service area is for the entire State of Missouri. In addition, the order should clarify ETC status does not entitle the company to receive Missouri USF support.

Checklist Items		Citation
Basic Application Requirements	Complies with application requirements in 4 CSR 240-2.060 specifically: <ul style="list-style-type: none"> • Proper authorization from Missouri Secretary of State. • Contact information. • Provides statement indicating whether applicant has any pending action of final unsatisfied judgments against them by a state or federal agency or court involving customer service or rates within past 3 years. • Signed affidavit that verifies all information is true, accurate & correct in the application. 	Application and Exhibits A & B
	Is the applicant already certificated or registered by the Missouri PSC to provide local voice service in Missouri? (check "X" in appropriate box below)	
		Yes. If yes, the applicant must be compliant in: <ul style="list-style-type: none"> • Paying MoUSF assessment. • Paying MoPSC assessment. • Paying Relay MO assessment. • Annual report submissions.
	X	No, the applicant is not certificated or registered by the Missouri PSC.
	Has the Missouri PSC already granted ETC status to the company?	
	Yes. If yes, cite the case and in space below explain the current ETC status of the company:	
X	No, the applicant has not previously received ETC status from the Missouri PSC.	
Disciplinary History	Identifies any individual or entity having a 10% or more ownership interest in the applicant, and all managers, officers and directors or any person exerting managerial control over applicant's day-to-day operations, policies, service offerings and rates.	Page 8, IV.1 & 2
	Does the Applicant share common ownership or management with other companies? (check appropriate box below)	
	X	Yes
		No
If yes, provide the following information:		Page 8, IV.1-3; Page 9, IV.4 See 11/12/15 email from Company Attorney; DR 001
Companies with common ownership or management:	Indicate if identified company has ever received federal or state USF funding.	
• Missouri Tower Services, LLC	• No	
Have any matters been brought forth within the last ten years by any state, federal regulatory or law enforcement agency against the applicant or against any person or entity that holds more than 10% ownership interest in the applicant? (check appropriate box below)		Page 9, IV.7

	<table border="1"> <tr> <td data-bbox="159 132 305 210">X</td> <td data-bbox="305 132 1323 210">No.</td> </tr> <tr> <td data-bbox="159 210 305 357"></td> <td data-bbox="305 210 1323 357">Yes. If yes, provide below the following information for each matter (date, agency and general description of the matter):</td> </tr> </table>	X	No.		Yes. If yes, provide below the following information for each matter (date, agency and general description of the matter):						
X	No.										
	Yes. If yes, provide below the following information for each matter (date, agency and general description of the matter):										
Service Provisioning	<p>Adequately explains the applicant’s proposed service. Basic service characteristics:</p> <table border="1" data-bbox="289 504 1055 661"> <tr> <td data-bbox="289 504 613 577"><i>(check applicable boxes)</i></td> <td data-bbox="613 504 841 577">Wireless</td> <td data-bbox="841 504 1055 577">Landline</td> </tr> <tr> <td data-bbox="289 577 613 619">No charge</td> <td data-bbox="613 577 841 619"></td> <td data-bbox="841 577 1055 619"></td> </tr> <tr> <td data-bbox="289 619 613 661">Monthly Fee</td> <td data-bbox="613 619 841 661">X</td> <td data-bbox="841 619 1055 661"></td> </tr> </table> <p>If applicant intends to offer a free wireless Lifeline service the applicant has adequately explained:</p> <ul style="list-style-type: none"> • How the company will ensure USF is not received until the subscriber activates the service. • How the company will ensure support will only be received if the subscriber has used the service sometime during a 60 consecutive day time period. • Subscriber will be de-enrolled if fails to use the service for 60 consecutive days. 	<i>(check applicable boxes)</i>	Wireless	Landline	No charge			Monthly Fee	X		See 11/12/15 email from Company Attorney; DR 001
	<i>(check applicable boxes)</i>	Wireless	Landline								
	No charge										
	Monthly Fee	X									
	<p>Applicant’s proposed service area is adequately described.</p>	Page 3, II.2									
<p>Does the applicant qualify as a facility-based provider?</p> <table border="1" data-bbox="159 1102 1323 1333"> <tr> <td data-bbox="159 1102 305 1207">X</td> <td data-bbox="305 1102 1323 1207">Yes. If yes, describe general facilities: American Wireless will utilize a tower system infrastructure within existing and planned networks.</td> </tr> <tr> <td data-bbox="159 1207 305 1333"></td> <td data-bbox="305 1207 1323 1333">No. If no then ensure: <ul style="list-style-type: none"> • FCC has <u>approved</u> company’s compliance plan. • Applicant has ensured customers will have access to 911 services. </td> </tr> </table>	X	Yes. If yes, describe general facilities: American Wireless will utilize a tower system infrastructure within existing and planned networks.		No. If no then ensure: <ul style="list-style-type: none"> • FCC has <u>approved</u> company’s compliance plan. • Applicant has ensured customers will have access to 911 services. 	See 11/12/15 email from Company Attorney; DR 001						
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<p>Advertising commitments.</p> <ul style="list-style-type: none"> • Provides a statement certifying the company will advertise the availability of its supported service. • Provides reasonable explanation of how the applicant will advertise. • If advertising by direct mail the company has provided a reasonable explanation of how it will target these mailings. • Were Missouri-specific advertising examples provided? <table border="1" data-bbox="159 1669 690 1753"> <tr> <td data-bbox="159 1669 397 1711"></td> <td data-bbox="397 1669 690 1711">Yes</td> </tr> <tr> <td data-bbox="159 1711 397 1753">X</td> <td data-bbox="397 1711 690 1753">No</td> </tr> </table>		Yes	X	No	Page 4, II.5-7						
	Yes										
X	No										
<p>Demonstrates can remain functional in emergency situations.</p>	Page 5, II.8										
<p>Provides statement will satisfy applicable consumer protection, consumer privacy and</p>	Page 5,										

	service quality standards and provides a reasonable list of applicable standards. (<i>Wireless applicants must agree to comply with Cellular and Internet Assoc.'s Consumer Code for Wireless Service.</i>)	II.11-12						
	<p>Will applicant maintain information about service provisioning and rates in a (<i>check appropriate box below</i>):</p> <table border="1"> <tr> <td>Tariff</td> <td></td> </tr> <tr> <td>Informational Filing</td> <td>X</td> </tr> <tr> <td>Website (<i>indicate website</i>)</td> <td></td> </tr> </table>	Tariff		Informational Filing	X	Website (<i>indicate website</i>)		Page 6, II.16
Tariff								
Informational Filing	X							
Website (<i>indicate website</i>)								
	<p>Provides a reasonable explanation of:</p> <ul style="list-style-type: none"> How the applicant intends to provide service throughout the proposed service area, including whereby the applicant lacks facilities or network coverage. How service will be provided in a timely manner to requesting customers. 	Page 6, II.17-18						
	Commits to maintain a record of complaints, including an agreement to make such records available upon request to the commission staff.	DR Response, Question 10						
	Commits to remit required, collected 911 revenues to local authorities.	Page 6, II.19						
	Provides a reasonable demonstration the applicant is financially viable and technically capable of providing voice telephony service.	Page 6, II.20						
	<p>Does the applicant intend to provide access to directory assistance services, operator services and interexchange services?</p> <table border="1"> <tr> <td></td> <td>Yes</td> </tr> <tr> <td>X</td> <td>No</td> </tr> </table>		Yes	X	No	Page 7, II.21		
	Yes							
X	No							
Lifeline/Disabled Program Compliance	Certifies all Lifeline funding will flow through to the subscriber.	Page 5, II.10						
	Commits to conduct business only through the name identified in the application and will not use any additional service or brand names. (<i>If company's name includes a d/b/a name then the company can either use the company's full name and/or the d/b/a name. For instance "ABC Company d/b/a Company W" can use that full name or simply "Company W". The company cannot solely use the parent name "ABC Company" or a name different from d/b/a name.</i>)	Page 6, II.13						
	Commits to comply with all requirements associated with the Lifeline program contained in 47 CFR Part 54 Subpart E.	Page 6, II.4						
	Commits to comply with all Lifeline requirements established by the Missouri PSC even if solely funded by federal USF.	Page 6, II.15						
	<p>Will the applicant seek support from the MoUSF? (<i>check appropriate box below</i>)</p> <table border="1"> <tr> <td></td> <td>Yes. If yes, ensure applicant only seeks MoUSF for landline service.</td> </tr> <tr> <td>X</td> <td>No.</td> </tr> </table>		Yes. If yes, ensure applicant only seeks MoUSF for landline service.	X	No.	Page 6, II.15		
		Yes. If yes, ensure applicant only seeks MoUSF for landline service.						
X	No.							
<p>Does applicant intend to participate in the Disabled program? (<i>check appropriate box</i>)</p>	See 11/12/15							

<i>below)</i>		email from Company Attorney; DR 001				
X	Yes. If yes, ensure applicant only seeks MoUSF for landline service.					
	No.					
Adequately demonstrates how the applicant will ensure that the full amount of Lifeline or Disabled support will be passed through to the qualifying low-income consumer.		Page 5, II.10				
Adequately explains how the applicant will initiate Lifeline or Disabled service to a subscriber. Explanation should include how company will ensure: <ul style="list-style-type: none"> The subscriber meets eligibility requirements. The subscriber's identity and address are correct. Only one Lifeline or Disabled discount is provided to a household.		DR Response, Question 23				
<ul style="list-style-type: none"> Adequately explains how the applicant intends to annually verify a customer's continued eligibility for the Lifeline or Disabled program, including what action will be taken if a subscriber fails to adequately respond or is no longer eligible for support. 		DR Response, Question 25				
Use of independent contractors to sign-up Lifeline subscribers (<i>check appropriate box below</i>): <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td>Intends to use independent contractors to sign-up Lifeline subscribers. If so then applicant also commits to take full responsibility for these contractors.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Does not intend to use independent contractors.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> (However if this changes, the applicant states they will take responsibility for such agents.)		Intends to use independent contractors to sign-up Lifeline subscribers. If so then applicant also commits to take full responsibility for these contractors.	<input type="checkbox"/>	Does not intend to use independent contractors.	<input checked="" type="checkbox"/>	DR Response, Question 26
Intends to use independent contractors to sign-up Lifeline subscribers. If so then applicant also commits to take full responsibility for these contractors.	<input type="checkbox"/>					
Does not intend to use independent contractors.	<input checked="" type="checkbox"/>					
Adequately demonstrates how it will monitor its employees, agents or contractor to ensure they comply with all applicable laws and rules concerning Lifeline or Disabled Programs.		DR Response Question 26				
Commits to notify the commission of any changes to company contact information.		Page 9, IV.5				
Provides statement the applicant complies with all reporting and assessment requirements (if certificated or registered with the commission).		Page 9, IV. 6				
Provides statement the applicant is compliant with contribution obligations to the FUSF.		Page 9, IV.8				
FCC waivers (<i>check appropriate box below</i>): <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td>Applicant has obtained waivers from FCC of certain ETC requirements and provided a copy of the FCC's decision.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Applicant has not sought any waivers from the FCC regarding ETC requirements.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		Applicant has obtained waivers from FCC of certain ETC requirements and provided a copy of the FCC's decision.	<input type="checkbox"/>	Applicant has not sought any waivers from the FCC regarding ETC requirements.	<input checked="" type="checkbox"/>	DR Response, Question 30
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Applicant has not sought any waivers from the FCC regarding ETC requirements.	<input checked="" type="checkbox"/>					

Additional requirements if seeking ETC status to receive federal high-cost support	Staff Review				
Commits to comply with all requirements in 47 CFR Part 54, Subpart C.	Page 8, III.3 & 4				
Provides adequate explanation of how granting ETC status is in the public interest.	Page 7, III.2				
Provides a five-year plan describing specific proposed improvements or upgrades to the applicant's network throughout its proposed service area including detailed descriptions of any construction plans with start/end dates, populations affected by the construction plans, existing tower site locations for wireless cell towers, estimated budget amounts, as well as demonstrates the universal service support shall be used to improve coverage, service quality or capacity throughout the Missouri service area.	DR Response, Question 33 Company agrees to file a five year plan with the Commission within 30 days of being granted high-cost support.				
Provides a detailed map of coverage area before and after improvements and in the case of wireless providers, a map identifying existing cell tower site locations.	DR Response, Question 33				
Provides the specific geographic areas where improvements will be made.	DR Response, Question 33				
Provides the projected start date and completion date for each improvement.	DR Response, Question 33				
Provides the estimated amount of investment for each project that is funded by high-cost support.	DR Response, Question 33				
Provides a reasonable estimate of the population that will be served as a result of the improvements.	DR Response, Question 33				
<p>Does the applicant believe that service improvements in a particular wire center or census block are not needed? <i>(check appropriate box below)</i></p> <table border="1" data-bbox="74 1213 1166 1444"> <tbody> <tr> <td data-bbox="74 1213 191 1402"></td> <td data-bbox="196 1213 1166 1402"> <p>Yes. If yes, then applicant must:</p> <ul style="list-style-type: none"> • Provide a reasonable explanation for determining why service improvements are not needed for this area. • Demonstrate how funding will otherwise be used to further the provision of supported services in the area. </td> </tr> <tr> <td data-bbox="74 1409 191 1444">X</td> <td data-bbox="196 1409 1166 1444">No.</td> </tr> </tbody> </table>		<p>Yes. If yes, then applicant must:</p> <ul style="list-style-type: none"> • Provide a reasonable explanation for determining why service improvements are not needed for this area. • Demonstrate how funding will otherwise be used to further the provision of supported services in the area. 	X	No.	See 11/12/15 email from Company Attorney; DR 001
	<p>Yes. If yes, then applicant must:</p> <ul style="list-style-type: none"> • Provide a reasonable explanation for determining why service improvements are not needed for this area. • Demonstrate how funding will otherwise be used to further the provision of supported services in the area. 				
X	No.				
Provides adequate statement that the proposed plans would not otherwise occur absent the receipt of high-cost support and that such support will be used in addition to any expenses the ETC would normally incur.	DR Response, Question 33				
Provides a reasonable plan outlining the method for handling unusual construction or installation charges.	DR Response, Question 33				
Provides adequate statement the applicant will use the support only for the provision, maintenance and upgrading of facilities and services for which the support is intended.	DR Response, Question 35				
Provides adequate & reasonable description of how the applicant intends to monitor the company's quality of service.	DR Response, Question 36				

Provides adequate & reasonable description of how the applicant intends to monitor the company's timeliness of providing service.	DR Response, Question 36
Provides adequate & reasonable description of how the applicant intends to monitor the company's timeliness of restoring out-of-service conditions.	DR Response, Question 36
Provides adequate & reasonable description of how the applicant intends to monitor the company's the amount of trouble experienced with the applicant's service.	DR Response, Question 36
Provides adequate & reasonable description of how the applicant intends to monitor the company's amount of outages experienced with the applicant's service.	DR Response, Question 36