

As the STCG explained in its initial comments, the Missouri Commission has the statutory authority to revise its rules – in particular the definition of Essential Local Telecommunications Service – to cover Broadband-only service. In fact, it is directed to review and revise its rules on a periodic basis. Section 392.248.6(1) RSMo. directs the Commission to:

Determine the definition of essential local telecommunications service . . . and consider revision of the definition on a periodic basis . . . , with the goal that every citizen of the State shall have access to a wider range of services, that are reasonably comparable between urban and rural areas, at rates that are reasonably comparable between urban and rural areas. . . .

(Emphasis added.)

Moreover, the Missouri Legislature specifically directed the Commission to adopt rules governing the operations of the MoUSF and, in doing so, further provided that “[n]othing in the rules adopted by the Commission shall be inconsistent with the support mechanisms established for the federal Universal Service Fund.” Section 392.248.1, RSMo. The FCC has now defined Broadband Internet Access Service (BIAS) as a “telecommunications” service subject to Lifeline support and established a timeline for phasing out voice-only Lifeline service. Therefore, it would be “inconsistent” with the FCC’s new rules not to expand the MoUSF to include BIAS.

MCTA argues that because the Missouri PSC cannot regulate Broadband service, the Missouri PSC cannot allow MoUSF Lifeline support for BIAS customers. The STCG agrees that the Missouri PSC cannot regulate BIAS, but the STCG does not agree that the Missouri PSC is prohibited from including BIAS-only service in the MoUSF disabled and low-income programs. On the contrary, 47 USC §254(f) authorizes the Missouri PSC “to adopt regulations not inconsistent with the [FCC’s] rules to preserve and advance universal service.” As noted above, Section 392.248.6(1) RSMo. authorizes and directs the Commission to define and update

its definition of “essential local telecommunications service”, and Missouri statutes also state that the Missouri PSC’s rules should not be “inconsistent” with the FCC’s rules.

CONCLUSION

The Commission has statutory authority to expand the MoUSF Disabled and Low-Income Lifeline programs to cover BIAS-only service by revising the definition of Essential Local Telecommunications Service. The STCG believes this expansion should be implemented for the benefit of Missouri’s disabled and low-income customers as soon as possible.

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KLM Telephone Company
Lathrop Telephone Company
Le-Ru Telephone Company
Mark Twain Rural Telephone Company
McDonald County Telephone Company
Miller Telephone Company
New Florence Telephone Company
New London Telephone Company
Northeast Missouri Rural Telephone Company
Orchard Farm Telephone Company
Oregon Farmers Mutual Telephone Company
Ozark Telephone Company
Peace Valley Telephone Co., Inc.
Rock Port Telephone Company
Seneca Telephone Company
Steelville Telephone Exchange, Inc.
Stoutland Telephone Company