

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

In the Matter of the Application of i-wireless, LLC )  
for Designation as an Eligible Telecommunications ) **File No. TA-2011-0377**  
Carrier in the State of Missouri )

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and for its recommendation, states as follows:

1. On May 20, 2011 i-wireless, LLC (“Company”), a wireless carrier, filed an application with the Missouri Public Service Commission (“Commission”) seeking designation as an Eligible Telecommunications Carrier (“ETC”) for the purpose of receiving federal universal service fund support for low income customers through Lifeline and LinkUp programs. On October 12, 2011, the Company amended its application to include the name under which it does business in Missouri, Access Wireless. It included the necessary documentation from the Missouri Secretary of State to demonstrate that it may lawfully do business in Missouri under that name.

2. In the attached Memorandum, the Staff recommends that the Commission grant the Company’s request. In the Staff’s opinion, the Company has met all the requirements, both state and federal, to become designated as an eligible telecommunications carrier for receipt of federal universal service fund low-income support. The Company is not delinquent or non-compliant with any of the Commission’s reporting or assessment requirements; the Company is a mobile wireless telecommunications provider whose operations are not regulated by the Commission.

**WHEREFORE**, Staff recommends that the Commission grant i-wireless, LLC d/b/a Access Wireless' Application to be designated an Eligible Telecommunications Service for the receipt of low-income support from the federal Universal Service Fund.

Respectfully submitted,



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Attorney for the Staff of the  
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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 1<sup>st</sup> day of November, 2011.



## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. TA-2011-0377  
Company Name: i-wireless, LLC

From: Dana Parish  
Telecommunications Department

John Van Eschen (11/01/11)                      Cully Dale (11/01/11)  
Utility Operations Division                      General Counsel's Office

Subject: Staff Recommendation Regarding i-wireless, LLC's Application for ETC  
Status on a Wireless Basis

Date: November 1, 2011

On May 20, 2011 i-wireless, LLC (i-wireless, Access Wireless or company) filed an application with the Missouri Public Service Commission (PSC) seeking designation as an Eligible Telecommunications Carrier (ETC) in Case No. TA-2011-0377. The application was for the purpose of receiving federal universal service fund support for low income customers exclusively.

i-wireless proposes to offer a wireless service for qualifying low-income consumers. Customers will receive an E-911-compliant wireless handset at no charge. The proposed service will provide 150 free minutes, with additional packages available to the customer for an additional fee. Furthermore, through i-wireless' partnership with the Kroger Co., customers can accumulate free minutes for dollars spent at participating Kroger-owned store locations by using their Kroger loyalty shopper's card. i-wireless does not charge customers for customer care calls or incoming text messages and allows for minutes to rollover. In addition, customers are offered the flexibility of taking a dollar credit of \$15, in lieu of the minutes, and applying it towards the i-wireless retail plan of their choice (excluding a text only plan). Since wireless companies are not eligible to participate in the Missouri Universal Service Fund Program (MoUSF), i-wireless does not intend to seek MoUSF funding for this service.

The Commission Staff (Staff) has reviewed the ETC application submitted by the company. In addition, Staff has issued data requests to the company. The data requests attempt to gain certain information contemplated in the pending ETC rulemaking in Case Nos. TX-2011-0415 and TW-2012-0012. Attachment A identifies ETC application requirements for companies only seeking low-income support. In Staff's opinion, the company has met these requirements. Staff has inserted citations from data request responses and/or ETC Application responses within Attachment A showing citations for why Staff concludes the company meets these requirements.

The company recently registered its fictitious name (Access Wireless) with the Missouri Secretary of State’s Office. Whereby, the company requests the Commission amend its current application under the name of i-wireless, LLC to reflect its new fictitious name of Access Wireless.

Staff recommends the Commission grant ETC status to **i-wireless, LLC d/b/a Access Wireless**. The Commission’s order should specifically limit ETC status to solely the receipt of federal Lifeline and LinkUp support.

Attachment A

i-wireless, LLC d/b/a Access Wireless

**Compliance with ETC Application Requirements**  
(Lifeline/LinkUp Assistance)

Requirement (Rule citation)		Description	Comply (Paragraph)
FCC	MoPSC		
54.201	-	Defines ETC as a carrier providing service using at least a portion of its own facilities. <i>(Note: a carrier solely providing service via UNEs is OK but a carrier solely providing service via resale is not.)</i>	DR Response 6 and App pg. 12, however, as noted on pg. 12 of the app, in the FCC Forbearance Order No. 10-117 the FCC conditionally granted i-wireless’ petition covering Missouri and other states for forbearance from the facilities requirement, “given the importance of public safety and in light of the fact that a Lifeline ETC is generally a low-income customers’ only connection to the public switched telephone network.” Additionally, the company filed its compliance plan with the FCC.
54.101	3.570 (3)(C)1	Ensures certain service features are provided (touchtone, single-party, access to 911, IX service, relay (711), DA, operators, toll limitation)	Acceptable Application pg. 13
FCC Docket No. 96-45		Commits to remit 911 revenues to local authorities.	Acceptable Application

FCC/ <a href="#">TracFone decision</a>			pg. 23
-	3.570 (3)(D)	<i>Wireless providers: Within 30 days of receiving ETC status will make an informational filing describing all service offerings.</i>	Acceptable Application pg. 23
54.202(a) (1)	-	Commit to provide service throughout proposed service area	Acceptable DR Response 7
54.202(a)(1)(B)	-	Commit to provide service in a timely manner.	Acceptable DR Response 8
54.202(a)(2)	3.570 (2) (A)4	Commit to remain functional in emergencies.	Acceptable DR Response 9
-	3.570 (2)(A)9	Statement it will provide equal access if all other ETCs in that service area relinquish their ETC designations.	Acceptable Application pg. 22
54.202(a)(3)	3.570 (2)(B)	Commit to satisfy consumer protection & quality of service standards. ( <i>Wireless ETCs commit to CTIA code of conduct + attach copy of current CTIA code</i> )	Acceptable DR Response 16
54.202(a)(4)	3.570 (2)(A)10	Commit to offering a comparable usage plan as ILEC.	Acceptable DR Response 13
54.202(c)	3.570 (2)(A)5	Demonstrates granting ETC status is in public interest.	Acceptable Application Paragraph IV & V
-	3.570 (3)(A)	Clear bill design.	Acceptable DR Response 5 & 26
-	3.570 (3)(B)	Customer service contact information online and on billing statements.	Acceptable DR Response 5
-	3.570 (3)(E)	Commit to maintain record of customer complaints.	Acceptable Application pg. 23
54.401(c)	-	Not collect a deposit from a Lifeline subscriber if consumer voluntarily elects toll limitation service.	Acceptable DR Response 18
54.401(e)	-	Not charge a Lifeline subscriber a monthly number portability charge.	Acceptable DR Response 19

54.403	3.570 (2)(A)7	Discounts consistent with federal plan: Tier 1: \$6.50 (waive subscriber line charge)* Tier 2: \$1.75 (fed discount) Tier 3: \$1.75 (additional fed discount available to all companies in Missouri) - <u>\$3.50 state MoUSF (landline only)</u> - <b>\$13.50 max.</b> * Limited to ILEC's subscriber line charge amount.	Acceptable DR Response 20
54.405 (b)	3.570 (2)(A)6	Publicize Lifeline.	Acceptable DR Response 12
54.409 54.410	31.050	FCC rules state ETC must comply with state verification procedures in states that mandate state Lifeline support. MoPSC rules require a company to verify customer's eligibility; develop a process for documentation received; plus verify a customer's continued eligibility.	Acceptable DR Response 23-25
-	3.570 (2)(A)8	Statement will satisfy consumer privacy protection standards.	Acceptable Application pg. 20
-	3.570 (3)(F)	Notify PSC of any changes to contact info.	Acceptable Application pg. 23
	31.050(3)(D)	Acceptable Lifeline application form	Acceptable Supplement to App filed 9/21/11
	3.540(2)(A)5	ETC destination would be consistent with the public interest. <i>(Public interest may be an issue if applicant has relationships with other companies/individuals under investigation for Lifeline program violations.)</i>	Acceptable DR Response 1-4 & 17

Compliance with Other Funding/Filing Requirements		
Item	Yes	No
Missouri USF Assessment	N/A	
PSC Assessment		
Relay Missouri		
Annual Report		

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wireless, LLC for Designation as an )  
Eligible Telecommunications Carrier in )  
the State of Missouri )

File No. TA-2011-0377

**AFFIDAVIT OF DANA PARISH**

STATE OF MISSOURI    )  
                                  ) ss  
COUNTY OF COLE     )

Dana Parish, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying Staff Recommendation in Memorandum form, and that the facts therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
Dana Parish

Subscribed and sworn to before me this 1<sup>st</sup> day of November, 2011.

SUSAN L. SUNDERMEYER Notary Public - Notary Seal State of Missouri Commissioned for Callaway County My Commission Expires: October 03, 2014 Commission Number: 10942086
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Notary Public