

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 15th day
of May, 2013.

Application of Blue Jay Wireless, LLC for)
Designation as an Eligible Telecommunications)
Carrier for the Purpose of Offering Lifeline Service)
on a Wireless Basis)

File No. TA-2013-0272

**ORDER GRANTING APPLICATION FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: May 15, 2013

Effective Date: May 25, 2013

Background

On November 13, 2012, Blue Jay Wireless, LLC filed an application with the Missouri Public Service Commission seeking designation as an Eligible Telecommunications Carrier in order to receive federal universal service support for Lifeline services. Blue Jay states that it will provide voice and data services, live customer service, marketing and user-friendly handsets to low-income customers in the service areas of Sprint and Verizon. Blue Jay will not require from its customers any deposit or contractual commitments.

Also, on November 13, the Commission issued notice of the application and set a date for intervention. There were no requests to intervene. The Company filed several amendments to its application, concerning its Compliance Plan with the FCC, its Certificate of Good Standing with the Missouri Secretary of State, the description of its service area and information about public access to the company's rates and services. Thereafter, on

April 15, 2013, the Staff of the Commission filed a recommendation that the Commission approve the application subject to certain conditions.

Staff's Recommendation

The Staff of the Commission recommends that the Commission approve Blue Jay's application with the following conditions:

1. That the company shall notify the Staff within 30 days of any event that falls within the following: any matter brought in the last ten years by any state or federal regulatory or law enforcement agency against the ETC; any person or entity that holds more than a 10% ownership interest in the ETC; any affiliated company (any company under common management ownership or control or that, by contract or other agreement, performs any of the functions necessary to the ETC's Lifeline Services) that involves any aspect of the provision of Lifeline Service or any aspect of state or federal Universal Service funds, or any matter involving fraud, deceit, perjury, stealing or the omission or misstatement of material fact in connection with a commercial transaction. Such matters include formal or informal notices of investigation, indictment, the filing of a complaint, a civil lawsuit, revocation or suspension proceeding, action for penalties or damages, or criminal charges. Such details include, but are not limited to, copies of complaints or other such pleadings and the filed responses thereto, as well as any orders, decisions or other determinations of culpability, including those that exonerate the subject of any wrongdoing.
2. The company may only use the MoUSF Board-approved form when enrolling Lifeline subscribers in Missouri.
3. The company will use the full name under which it is registered with the Missouri Secretary of State and under which it is granted ETC status when enrolling Lifeline subscribers in Missouri.
4. The company is reminded that it has an obligation to update its application with new information when any statement therein becomes untrue or could mislead the reader to an inference which is untrue.

Discussion

This matter is within the Commission's jurisdiction.¹ Because no party objects to the company's application, no evidentiary hearing is required.² Rights to a hearing are

¹ 47 U.S.C. §(e)(2).

² State ex rel. Deffenderfer., Inc. v. Public Service Com'n, 776 S.W.2d 494 (Mo. App. 1989).

therefore waived.³ Based on the verified pleadings, the Commission finds and concludes as follows.

Blue Jay is a Texas LLC authorized to do business in Missouri. Blue Jay is a wireless carrier whose operations are not regulated by the Commission. The federal Universal Service Fund was established in the Telecommunications Act of 1996. The purpose of the fund is to ensure that people in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable rates.⁴ To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to telecommunications providers who serve rural and high-cost parts of the country. Before a telecommunications service provider is eligible to receive funding from the Universal Service Fund, it must be designated as an Eligible Telecommunications Company.

The Commission finds the averments in the company's application and Staff's Memorandum and Recommendation to be true. The Commission must grant ETC status to Blue Jay if the company offers the services set out in Section 254 of the Act and if it advertises the availability of those services using media of general distribution.⁵ The Commission finds that Blue Jay has met those requirements and will therefore designate Blue Jay as an eligible telecommunications carrier.

THE COMMISSION ORDERS THAT:

1. Blue Jay Wireless, LLC is designated as an eligible telecommunications carrier, throughout the service area described in Attachment F to its application, to receive low-income federal Universal Service Fund support.

³ Section 536.060, RSMo 2000.

⁴ 47 U.S.C. §254(b).

⁵ 47 U.S.C. §214(e)(1), (2).

2. The authority granted to Blue Jay Wireless, LLC in ordered paragraph 1, above, is subject to the conditions set out in the body of this order and in the Staff of the Commission's recommendation.

3. This order shall become effective on May 25, 2013.

4. This file shall be closed on May 26, 2013.

BY THE COMMISSION



Morris L. Woodruff
Secretary

R. Kenney, Chm., Jarrett and
W. Kenney, CC., concur.
Stoll, C., absent.

Jones, Senior Regulatory Law Judge