

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 24th day of April, 2013.

In the Matter of the Application of Budget PrePay,)
Inc. for Designation as a Wireless Eligible)
Telecommunications Carrier)

File No. CO-2012-0043

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

Issue Date: April 24, 2013

Effective Date: May 4, 2013

Syllabus: The Missouri Public Service Commission grants eligible telecommunications carrier (“ETC”) status to Budget PrePay, Inc., d/b/a Budget Mobile (“Budget”) for the purpose of receiving federal universal service fund support for low-income customers through the Lifeline program as a wireless carrier in AT&T Missouri’s service areas.

Procedural History

On August 8, 2011, Budget applied to the Commission for designation as an eligible telecommunications carrier (“ETC”), for the purpose of receiving *wireless* low-income customer support. The Commission previously granted Budget *wireline* ETC status in File No. TA-2010-0146 for AT&T Missouri’s service areas.

Budget’s application is limited to a request to receive only low-income federal Universal Service Fund support for Lifeline, support related to giving qualifying low-income

customers discounts on monthly rates. Budget is not requesting federal high-cost USF support or Missouri state USF support.

Staff filed its Recommendation on April 2, 2013, requesting that the Commission grant Budget the requested relief. No parties responded to Staff's pleading.

Discussion

The application is within the Commission's jurisdiction to decide.¹ Because no party objects to Budget's application, no evidentiary hearing is required.² Thus, the Commission deems the hearing waived³, and bases its findings on the verified filings, and makes its conclusions as follows.

Budget is a Louisiana corporation authorized to do business in Missouri. Budget is a competitive local exchange carrier and holds a certificate of service authority to provide basic local exchange services and long distance services in its service area. Within the last three years before the application's filing, no pending action or final unsatisfied judgment or decision, involving customer service or rates, has occurred in any state or federal agency or court against Budget, and Budget has no overdue annual report or assessment fees.

The federal Universal Service Fund was established in the Telecommunications Act of 1996. The stated purpose of the fund is to ensure that telephone customers in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable and affordable rates.⁴ To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to

¹ 47 U.S.C. § 214(e)(2).

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

³ Section 536.060, RSMo 2000.

⁴ 47 U.S.C. 254(b).

telecommunications service 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, referred to by the acronym ETC.

The Telecommunications Act established two factual criteria for determining whether an applicant may be designated as an ETC. First, the applicant must offer the services that are supported by the Universal Service Fund throughout the service area for which the designation is received.⁵ The applicant can offer those services either through its own facilities, or a combination of its own facilities and the resale of another carrier's services. Second, the applicant must advertise the availability of such services and the charges therefore using media of general distribution.⁶

The Commission finds the allegations in the Application and its supplements, and Staff's Memorandum and Recommendation to be true. The Commission may grant Budget eligible telecommunications carrier designation if it 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.⁷ The Commission finds that Budget has met those requirements. Therefore, the Commission will designate Budget as a wireless eligible telecommunications carrier.

⁵ 47 CFR 54.101(a) (which requires ETCs to offer (1) Voice grade access to the public switched network; (2) Local usage; (3) Dual tone multi-frequency signaling or its functional equivalent; (4) Single-party service or its functional equivalent; (5) Access to emergency services; (6) Access to operator services; (7) Access to interexchange service; (8) Access to directory assistance; (9) Toll limitation for qualifying low-income consumers; and (10) Access to telecommunications relay services by dialing 711.

⁶ 47 U.S.C. 214(e)(1).

⁷ 47 U.S.C. § 214(e)(1), (2).

THE COMMISSION ORDERS THAT:

1. Budget PrePay, Inc., d/b/a Budget Mobile, is designated as a wireless eligible telecommunications carrier solely for the purpose of receiving Lifeline support throughout the Southwestern Bell Telephone Company, L.P., d/b/a AT&T Missouri service territories, as set forth in Exhibit 1 to Budget PrePay, Inc's application, under the provisions of 47 U.S.C. §§ 214 and 254.

2. Budget PrePay, Inc., d/b/a Budget Mobile is not authorized to receive Missouri Universal Service Fund support.

3. Budget PrePay, Inc., shall advertise the availability of Lifeline services using media of general distribution, in compliance with 47 U.S.C § 214(e)(1).

4. This order shall become effective on May 4, 2013.

5. This case shall be closed on May 5, 2013.

BY THE COMMISSION



Joshua Harden
Secretary

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

Pridgin, Senior Regulatory Law Judge