

MARISELA S. ROSS
mross@bmg.law

December 1, 2016

VIA ELECTRONIC FILING ONLY

Morris L. Woodruff, Secretary
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102

***Re: Application of Total Call Mobile, LLC For Approval of Relinquishment of
Eligible Telecommunications Carrier Designation
Case No. U-16941***

Dear Secretary Woodruff:

Enclosed for filing by Total Call Mobile, LLC ("Total Call") is an Application for Approval of Relinquishment of Eligible Telecommunications Carrier Designation.

Please do not hesitate to call me if you have any questions regarding this matter or require additional information.

Very truly yours,

Marisela S. Ross / kmj
Marisela S. Ross

STATE OF MISSOURI
BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Total Call Mobile, LLC)	Case No. U-16941
)	
Application of Total Call Mobile, LLC)	
For Approval of Relinquishment of Eligible)	
Telecommunications Carrier Designation)	

**APPLICATION OF TOTAL CALL MOBILE, LLC FOR APPROVAL OF
RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION**

Total Call Mobile, LLC (“Total Call”), pursuant to 47 U.S.C. § 214(e), 47 C.F.R. § 54.205, and Missouri Public Service Commission (the “Commission”) Order dated June 26, 2102, requests that the Commission approve this Application (the “Application”) to Relinquish its Eligible Telecommunications Carrier (“ETC”) Designation in the State of Missouri, effective December 31, 2016. Total Call also requests the Commission approve cancellation and withdrawal of any and all of Total Call’s Informational Tariffs for the service on the same date. Total Call proposes to relinquish its ETC designation due to changes in the wireless industry and proposed modifications to the Lifeline program. As detailed below, Total Call’s subscribers will be given ample notice of the discontinuance of Total Call’s operations, and there are many other ETCs able to serve Total Call’s current Lifeline subscribers.

In support of its Application, Total Call states as follows:

Background

1. Total Call is a Delaware limited liability company. Its principal place of business is 1411 190th Street, Suite 650, Gardena, CA 90248. Total Call provides wireless Lifeline telecommunications services to consumers in Missouri through resale of Commercial Mobile Radio Services (“CMRS”) provided by Sprint PCS (“Sprint”) and AT&T Corp. (“AT&T”).

2. By Order dated June 26, 2012, the Commission granted Total Call's request for designation as a Lifeline-only ETC in Missouri. In the Matter of Application of Total Call Mobile, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934, as Amended, Case No. U-116941, Order, (the "Order"), dated June 26, 2012.

3. Total Call offers eligible customers in Missouri five (5) Lifeline prepaid wireless service choices.¹ All Total Call Lifeline service plans include a free handset, call waiting, caller identification and voicemail at no additional charge. Calls to 911 emergency services are always free, regardless of availability of minutes. Total Call does not require deposits and does not have service contracts with its Lifeline customers, and thus Lifeline customers incur no early termination fees.

4. Total Call seeks to relinquish its ETC designation and to discontinue service in Missouri due to changes in the wireless industry and proposed modifications to the Lifeline program. Total Call also intends to exit its wireless Lifeline business in every state and U.S territory in which it currently offers wireless Lifeline service. Total Call is not currently enrolling any new Lifeline subscribers in Missouri.

Federal and State ETC Relinquishment Requirements

5. 47 U.S.C. § 214(e)(4) states, in pertinent part:

A State Board [...] shall permit an eligible telecommunications carrier relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to

¹ Lifeline Plan 1 offers 250 free anytime minutes with an option of using text, inbound or outbound, which consumes one (1) Plan minute per text. Lifeline Plan 2 offers a 1000 Minute Talk & 1000 Text retail plan for \$19.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$29.99). Lifeline Plan 3 offers a 30-day Unlimited Talk retail plan for \$19.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$29.99). Lifeline Plan 4 offers a 30-day Unlimited Talk & Text retail plan for \$29.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$39.99). Lifeline Plan 5 offers a 30-day Unlimited Talk, Text, & Data retail plan for \$39.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$49.99).

relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State Board [...] of the relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State Board [...] shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

Id.; see also 47 C.F.R. § 54.205. As shown below, Total Call satisfies all relevant requirements.

Designated Service Area

6. Total Call seeks to withdraw its ETC designation throughout its entire designated service area in Missouri.

7. As set forth in 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, federal law requires the Commission to permit the withdrawal of an ETC designation in any area served by at least one other ETC.

8. Total Call provides wireless Lifeline service to customers in approximately three hundred ninety (390) wire centers across Missouri.² Each of these wire centers is served by an incumbent local exchange carrier (“ILEC”) that is designated as an ETC.

9. As a consequence, following relinquishment of Total Call’s ETC designation, Total Call’s service area will continue to be served by at least one ILEC ETC. In addition, according to USAC records, Total Call’s Lifeline subscribers will have access to at least eighteen (18) other competitive wireless Lifeline providers that provide service in at least part of Total Call’s designated service area – including Budget Mobile, Assurance Wireless, and SafeLink Wireless.³

10. Since at least one ILEC ETC already serves each of the wire centers that Total Call serves, those ETCs will not be required to purchase or construct additional facilities to ensure

² See <http://www.usac.org/hc/tools/wctozone/LASWCtoZoneSearch.aspx>.

³ See <http://www.lifelinesupport.org/lis/companies/CompanyListing.aspx?state=KY&stateName=Missouri>.

that Total Call's Lifeline subscribers continue to receive service. In addition, to the best of Total Call's knowledge, none of the competitive wireless Lifeline providers will be required to purchase or construct additional facilities to continue providing service within the wire centers comprising Total Call's service area.

11. Because there is at least one additional ETC in each of Total Call's designated service areas, there is no bar to prevent it from relinquishing its ETC designation in Missouri, and 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 have been met.

Customer Notice

12. Total Call currently has a total of 16 wireless Lifeline subscribers in Missouri.

13. Total Call has sent a customer notification via electronic means to each of its wireless Lifeline subscribers in Missouri. This notice told each subscriber that Total Call planned to relinquish its ETC designation in Missouri on December 31, 2016. The notice also informed each subscriber that, upon relinquishment of Total Call's ETC designation, a Lifeline discount could be obtained from an ILEC ETC or other competitive wireless Lifeline providers in Total Call's service area.

14. Upon Commission approval of this application, Total Call will send subscribers a text message reminding customers that Total Call will discontinue service effective December 31, 2016.

15. The notice, which is set forth below, underscores in plain language that the subscriber must make arrangements with another carrier to avoid loss of service and provides a toll-free number that customers may call to reach Total Call's customer service representatives for assistance with this transition. The notice also provides the names of three well-established wireless Lifeline service providers.

Total Call Mobile will stop providing your service on December 31, 2016. Please contact another Lifeline provider such as Budget Mobile, Assurance Wireless, and SafeLink Wireless if you still want Lifeline service after December 31, 2016. Questions? Call 1-800-550-5265.

16. Total Call does not require deposits, so there is no need for a plan for return of customer deposits.

17. Total Call further confirms that the relinquishment agreed to in In the Matter of the Revocation of the Eligible Telecommunications Carrier Designation of Total Call Mobile, Inc., File No. RC-2016-0278, dated November 17, 2016 and effective November 30, 2016, has been effectuated, and thus the current Application applies only to the customers not covered in that matter.


Cancellation and Withdrawal of Total Call's Informational Tariff

18. Given that Total Call should be permitted to relinquish its ETC designation in Missouri for the reasons stated above, the Commission should also permit Total Call to cancel and withdraw, as appropriate, any and all Informational Tariff or Tariffs.

CONCLUSION

For the foregoing reasons, Total Call respectfully requests that the Commission approve Total Call's application to relinquish its Eligible Telecommunications Carrier ("ETC") designation in the State of Missouri, effective December 31, 2016, and approve cancellation and withdrawal of any Informational Tariffs, effective the same date.

Respectfully submitted,

By: 
Marisela S. Ross, Esq
State of Missouri Bar #: 32923

BEVAN, MOSCA & GIUDITTA, P.C.

222 Mount Airy Road Suite 200
Basking Ridge, New Jersey 07920
(908) 753-8300 - Office

wmosca@bmg.law
MRoss@bmg.law

Dated: November 30, 2016

CERTIFICATE OF SERVICE

I, Katherine M. Dailey, of full age, hereby certify that, on December 1, 2016, I caused a copy of the foregoing Application for Approval of Relinquishment of Eligible Telecommunications Carrier Designation to be served, via electronic mail, upon:

MO PSC Staff Counsel

Missouri Public Service Commission
200 Madison Street, PO Box 360
Jefferson City, MO 65102-0360
shelley.brueggemann@psc.mo.gov

Office of the Public Counsel

Governor Office Building, Suite 650
200 Madison Street
PO Box 2230
Jefferson City, MO 65102-2230
mopco@ded.mo.gov



Dated: December 1, 2016