

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

In the Matter of the Third Application of       )  
Missouri RSA No. 7 Limited Partnership       )  
d/b/a Mid-Missouri Cellular for                )  
Designation as a Telecommunications        )  
Carrier Eligible for Federal Universal        )  
Service Support Pursuant to Section 254       )  
of the Telecommunications Act of 1996.        )

Case No. TO-2005-0325

**POSITION STATEMENT OF THE STAFF  
OF THE MISSOURI PUBLIC SERVICE COMMISSION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and states:

1. On May 6, 2005, the Commission issued its *Order Adopting Procedural Schedule with Modifications* (“*Order*”). The procedural schedule adopted in the Commission’s *Order* directs the parties to file position statements no later than July 27, 2005. On July 20, 2005, the Staff filed a list of issues agreed to by all parties. The Staff takes the following positions on the issues:

**Issue 1.** Telecommunications companies seeking eligible telecommunications carrier (“ETC”) status must meet the requirements of Section 214(e)(1) throughout the service area for which designation is received. Section 214(e)(1) requires carriers to offer the services that are supported by Federal universal service support mechanisms and to advertise the availability of such services and the charges therefor using media of general distribution. Does MMC meet the requirements of Section 214(e)(1) throughout the service area for which MMC seeks ETC designation?

**Staff Position:** The Staff believes MMC has met the requirements of Section 214(e)(1), as explained in the Rebuttal Testimony of Staff witness Adam McKinnie beginning at page 3. Specifically, the Staff believes MMC's application has shown that MMC provides all of the services required by the Telecommunications Act of 1996 and advertises the same throughout its service area.

**Issue 2.** ETC designations by a state commission must be consistent with the public interest, convenience and necessity pursuant to Section 214(e)(2). The Federal Communications Commission's ("FCC's") ETC Report and Order<sup>1</sup> determined that this public interest standard applies regardless of whether the area is served by a rural or non-rural carrier. Is granting ETC status to MMC consistent with the public interest, convenience and necessity throughout the service area for which MMC seeks ETC designation?

**Staff Position:** If the Commission requires MMC to meet the conditions outlined in the Rebuttal Testimony of Staff witness McKinnie, the Staff believes granting ETC status to MMC is consistent with the public interest, convenience and necessity throughout the service area for which MMC seeks ETC designation. These additional conditions include:

1. MMC shall follow the Cellular Telecommunications and Internet Association (CTIA) Code for Wireless Service.
2. MMC shall provide sufficient information on how MMC will use universal service proceeds to improve its "coverage, service quality or capacity" in the wire centers currently receiving code division multiple access (CDMA) technology.

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<sup>1</sup> In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 05-46, released March 17, 2005 ("ETC Report and Order").

3. MMC shall provide annual updates to the Commission (or Staff) as described in paragraph 69 of the FCC's ETC Report and Order.
4. That MMC shall not self-certify to the Universal Service Administrative Company (USAC), but shall comply with the Commission's annual certification process.

**Issue 3.** The FCC's ETC Report and Order determined that carriers seeking ETC designation from the FCC must meet certain requirements related to eligibility, the public interest, and annual certification and reporting. The FCC encouraged state commissions to apply these requirements. Should the Commission consider the guidelines approved by the FCC's ETC Report and Order in its evaluation of the application filed by MMC?

**Staff Position:** The Staff believes the Commission should consider and apply the guidelines approved by the FCC's ETC Report and Order in its evaluation of MMC's application. The ETC Report and Order is attached as Schedule 1 of the Rebuttal Testimony of Staff witness McKinnie.

WHEREFORE, the Staff respectfully offers these position statements.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ Marc Poston**

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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 27<sup>th</sup> day of July 2005.

**/s/ Marc Poston**

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