

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

Application of American Broadband and)
Telecommunications Company for Designation) File No. RA-2014-0225
As an Eligible Telecommunications Carrier for the)
Purpose of Offering Lifeline Service on a Wireless Basis)

**RESPONSE TO MOTION TO AMEND
AND WITHDRAWAL OF REQUEST FOR HEARING**

COME NOW Holway Telephone Company d/b/a American Broadband (Holway) and K.L.M. Telephone Company d/b/a American Broadband (KLM) and for their response to the Motion to Amend filed by American Broadband and Telecommunications Company (“ABTC”), state to the Missouri Public Service Commission (“Commission”) as follows:

RESPONSE TO MOTION TO AMEND

1. On March 14, 2014, ABTC filed a motion to amend stating that “it intends to advertise, market and offer its Lifeline service offerings in Missouri under the ‘American Assistance’ brand name.” (Motion, p. 2, ¶2) ABTC stated that it had registered the “American Assistance” fictitious name with the Missouri Secretary of State and provided a copy of the registration dated March 11, 2014. *Id.* Finally, ABTC requested that the Commission amend the application to request designation as an eligible telecommunications carrier (ETC) under the “American Assistance” fictitious name. (Motion, p. 2, ¶3)

2. Holway and KLM continue to take no position on whether the Commission should grant ETC status to ABTC in this case.

3. In light of ABTC's amendment, however, Holway and KLM's concerns can be addressed by adding two provisions to any Commission order granting ETC status in this case (ETC Order). First, an ETC Order should acknowledge or take notice of Holway and KLM's prior and continuing use of the "American Broadband" name, as attested to in Holway and KLM's verified application to intervene and attached documents from the Commission and Secretary of State.¹ Second, an ETC Order should expressly condition ABTC's ETC status on use of the "American Assistance" name and require ABTC to notify the Commission prior to any change in the name it uses to provide Lifeline service. See 4 CSR 240-3.570(5)(A); see also March 3, 2014 Mo Reg., Vol. 39, No. 5, pp. 687-88 (pending 4 CSR 240-31.130(1)(D)2).

WITHDRAWAL OF REQUEST FOR HEARING

4. In light of ABTC's motion to amend its ETC Application, Holway and KLM believe that their concerns will be addressed if the ETC Order includes the two provisions discussed above. Accordingly, Holway and KLM hereby withdraw their request for hearing.

WHEREFORE, Holway and KLM withdraw their request for hearing and respectfully request that any ETC Order issued in this case: (1) acknowledge Holway and KLM's continuing and prior use of the "American Broadband" name; and (2) condition any grant of ETC status on ABTC's use of the "American Assistance" name.

¹ Missouri's Administrative Procedure Act allows the Commission to take official notice in the same manner as courts. "Agencies shall take official notice of all matters of which the courts take judicial notice." §536.070(6) RSMo. "Courts may take judicial notice of other proceedings when the cases are interwoven or interdependent." *Environmental Utilities, LLC v. Public Service Comm'n of Missouri*, 219 S.W.3d 256, 265 (Mo. App. WD 2007).

Respectfully submitted,

/s/ Brian T. McCartney

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was served electronically on this 20th day of March, 2014, to:

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