

**BEFORE THE MISSOURI  
PUBLIC SERVICE COMMISSION**

**Application of American Wireless, Inc.** )  
**For Designation as an Eligible** )  
**Telecommunications Carrier for the** ) **Docket No. \_\_\_\_\_**  
**Purpose of Offering Lifeline support and** )  
**High-cost support under Connect America Fund** )

**APPLICATION OF AMERICAN WIRELESS, INC.**

American Wireless, Inc. ("American Wireless" the "Company" or "Applicant"), by its counsel, respectfully submits this Application for Designation as an Eligible Telecommunications Carrier ("ETC") pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"), Section 54.201 et seq. of the Rules of the Federal Communications Commission ("FCC"), and the Missouri Code of State Regulations ("CSR") Title 4, Sections 240-2.060 and 240-31.130.

American Wireless requests that the Missouri Public Service Commission ("Commission") grant it designation as a wireless ETC in the state of Missouri for the purpose of receiving federal universal service support funds, under the FCC's Lifeline program for low-income consumers and the broadband initiative commonly known as Connect America Fund, in the geographic areas specified in this Application.

As discussed in more detail below, American Wireless meets the statutory and regulatory requirements for designation as an ETC and is able and prepared, or has the resources to become prepared, to offer Lifeline and high-cost supported services throughout its designated service area in Missouri. Granting ETC status to American Wireless will benefit the public interest by making the Company's services available to a broad range of consumers at a more affordable cost. Because the availability of American Wireless' services so clearly serves the interests of

Missouri consumers, as more fully discussed herein, American Wireless respectfully requests that the Commission grant this Application as quickly as possible.

In support of this Application, American Wireless provides the following information:

**I. OVERVIEW OF APPLICANT (4 CSR 240-31.130(1)(A) and 4 CSR 240-2.060).**

1. American Wireless, Inc. is a Missouri corporation organized under the General and Business Corporation Laws of Missouri, with principal offices at 2106 E. Jackson Blvd., Jackson, Missouri, 63755. American Wireless' Articles of Incorporation are attached hereto as **Exhibit "A"**. Further, as a Missouri corporation, the provisions of 4 CSR 240-2.060(1)(B) requires Applicant to submit its Certificate of Good Standing, attached hereto as **Exhibit "B"**. Other primary contact information is as follows:

Email address: joe.pitts@americanwirelessinc.net

Telephone: (573) 271-2070

Facsimile: (573) 271-2071

2. American Wireless' character of business includes a very stable network that provides customers in rural communities, as well as in certain metropolitan areas, in its service territory access to telephone and high speed internet service at an affordable rate. These services are offered without the hassle of being bound by a contract. American Wireless strives to ensure quality service, and customer service is well above the national average. Present coverage includes the counties of Cape Girardeau, southern Perry, and Eastern Bollinger.

3. American Wireless' contact to whom correspondence, communications, and orders and decisions of the Commission shall be sent are:

American Wireless Inc.

Joe Pitts

2106 E. Jackson Blvd.

Jackson, MO 63755

Copy to: The Limbaugh Firm  
Attn: Jeffrey J. Koch  
407 N. Kingshighway, Suite 400  
P.O. Box 1150  
Cape Girardeau, MO 63702-1150

4. American Wireless has no pending action or final, unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which have occurred within the past three (3) years.

5. American Wireless does not have Missouri annual report or assessment fees that are overdue.

**II. AMERICAN WIRELESS SATISFIES THE COMMISSION'S AND THE FCC'S REQUIREMENTS FOR ETC DESIGNATION FOR VOICE TELEPHONY SERVICE (4 CSR 240-31.130(1)(B) and 47 CFR 54.201).**

1. American Wireless will provide voice telephony services and make available Lifeline service, as defined in 47 CFR 54.401<sup>1</sup>. American Wireless' Lifeline services will include low cost telephony services offered to those customers that live in areas with poor cellular service. Such service will, in addition to improved accessibility and pricing, enable target customers access to reliable emergency call capability (i.e. fire, ambulance and police). These services will be offered at discounted rates based on the determination that the household is receiving government assistance (i.e. food stamps or disability)

2. American Wireless proposes to provide the aforementioned voice services in the geographical areas within its existing network footprint, with expansion plans to focus generally in a southerly direction to include Southeast Missouri, Southern Illinois, Arkansas and Tennessee (the "Territory"). Providing service to the rural areas within the Territory will improve the

<sup>1</sup> Defined as a non-transferrable retail service for voice telephony services for which low-income consumers pay reduced charges as a result of the application of the Lifeline support amount.

supply/demand gap that currently exists due to the ineffective coverage by the larger, wired service providers such as Charter, Comcast and ATT DSL.

3. In order to service the Territory, American Wireless will utilize a stable, yet ever-expanding tower system infrastructure within existing and planned networks. Said towers are equipped as follows with Microtik 1100 AH routers, Microtik 5.8 two foot backhails, Ubiquiti M2 Rocket sectors for APs, surge protection, and battery backup power over Ethernet devices.

4. American Wireless is also seeking ETC designation to participate in the Connect America Fund, is not seeking ETC designation solely for Lifeline purposes, and therefore requests a waiver with respect to certain information as required by 4 CSR 240-31.130(1)(B)(3)(A-B).

5. American Wireless will advertise the availability of its services and charges in a manner reasonably designed to reach potential Lifeline consumers as required in FCC rule 54.405(B). The Company intends to advertise its services using media of general distribution. The Company will use these advertising media to advertise the availability of its services to potential Lifeline customers in its service area and will expand its advertising efforts if necessary to ensure that such potential Lifeline customers are aware of the service offerings. American Wireless does not use direct mail campaigns.

6. American Wireless believes advertising is crucial. This belief stems from the basic tenet that more exposure directly relates to increased contact with potential customers in need of the services provided. Therefore, American Wireless will utilize multiple advertizing mediums, such as radio, newspaper, billboards and social media sites.

7. In accordance with FCC rule 54.405(C) & (D), Applicant's advertising materials will disclose Applicant's name, and indicate that the service is a Lifeline service, that Lifeline is

a governmental assistance program, the service is non-transferrable, and is available only to eligible consumers and limited to one discount per household.

8. American Wireless has the ability to remain functional in emergency situations, to wit:

- a) Utilization of battery backup and a diesel powered backup generator. Applicant believes this method ensures the best power supply for uninterrupted services;
- b) Rerouting broadband to a downed site through a redundant link by using a separate fiber source rerouted by separate back haul systems that will be implemented on all tower systems. This provides backup in case main broadband delivery is down.
- c) Increase of bandwidth during emergency situation spikes.

9. American Wireless certifies that it will, upon ETC status being granted, comply with the applicable service requirements of 47 CFR 54.201, as more fully described in paragraphs 3 through 6 in this Section II.

10. American Wireless certifies that all funding from the Lifeline program will flow through to Lifeline customers. America Wireless has, or will invest in, the technological infrastructure to maintain customer databases capable of differentiating customers participating in the Lifeline program. Further, funding will enable the Company to provide service to qualifying, Lifeline low-income customers at a cost capped at the lesser of ten percent (10%) of Company's cost or fifteen dollars (\$15.00) per month.

11. American Wireless will satisfy all applicable consumer protection, consumer privacy, and service quality standards.

12. Because American Wireless is a provider of wireless telephony services, it will comply with the Cellular Telecommunications and Internet Associations Consumer Code for

Wireless Service.

13. Applicant will conduct business solely under the name “American Wireless, Inc.” and will not use any additional service or brand names.

14. Applicant will further comply with all requirements of the Lifeline program, regardless of whether explicitly addressed herein this Application, as promulgated under 47 CFR Part 54, Subpart E.

15. Applicant does not intend to seek funding for its Lifeline services under the Missouri Universal Service Fund.

16. Applicant’s anticipated Lifeline telephony terms and conditions for services provided include:

- (a) Rates: To be provided upon successful grant of ETC application;
- (b) All rates, terms and conditions of Applicant’s Lifeline services will be maintained by appropriate filing with the Commission.

17. American Wireless will invest in infrastructure expanding its existing network into the proposed Territory. Such infrastructure may include, without limitation, installation of fiber optic cable, erection of additional cellular towers and/or installation of additional telecommunications equipment.

18. American Wireless has an existing policy which provides that any new customer requesting service within a service territory will receive installation within seven (7) days of inquiry.

19. Applicant will remit all required and collected 911 revenues to the appropriate local authorities.

20. American Wireless is financially sound and technically capable of expanding its

voice telephony services and territory. To that end, American Wireless has a ten year commitment plan approved by its Board of Directors and investors, such that sufficient capital will be available to achieve the service goals of Company.

21. American Wireless will not be providing access to directory assistant services, operator services or interexchange services.

**III. AMERICAN WIRELESS SATISFIES THE COMMISSION'S AND THE FCC'S REQUIREMENTS FOR ETC DESIGNATION FOR HIGH-COST SUPPORT (4**

**CSR 240-31.130(F) and 47 CFR PART 54 SUBPART C).**

1. American Wireless has or shall comply with all the requirements as set forth in 47 CFR Part 54, Subpart C. To that end, American Wireless will, upon ETC status being granted, comply with the applicable service requirements of 47 CFR 54.201(d), as more fully described in paragraphs 3 through 6 in Section II above.

2. Designation of American Wireless as an ETC for high cost support purposes will further the Commission's goals of the Connect America program and will benefit Missouri consumers. Specifically, the Company will offer broadband and IP voice over phone systems and life alert. With the current infrastructure available to service much of Applicant's proposed Territory, access to broadband internet service is either unavailable, unaffordable or unreliable. American Wireless understands, as does the FCC and the Commission, that accessible and reliable internet connectivity is becoming increasingly popular, and in many respects, necessary component of daily life of family households, businesses, and community anchor institutions. American Wireless' participation plan for this growing need will help make broadband available to such homes, businesses, and community anchor institutions in areas that do not, or would not otherwise, have broadband, including mobile voice and broadband networks in areas that do not,

or would not otherwise, have mobile service.

3. Applicant intends to participate in the Connect America Fund should applicant be successful in being granted a service territory. To that end, in lieu of submitting a five (5) year plan pursuant to 4 CSR 240-31.130(1)(F)(3) and 47 CFR 54.202(a)(1)(ii), American Wireless will submit to the Commission its actual, successful bid upon being granted a high-cost territory.

4. Pursuant to Paragraph 3 above, Applicant requests a waiver with respect to certain information as required by 4 CSR 240-31.130(1)(F)(3) and 47 CFR 54.202(a)(1)(ii).

#### **IV. AMERICAN WIRELESS REPOSSES TO REGULATORY AND OTHER INFORMATION REQUIRED BY 4 CSR 240-31.130(1)(C) & 4 CSR 240-31.130(1)(E).**

1. American Wireless' shareholders owning a 10% or greater interest in Applicant is as follows:

Curtis Kassel- 31%  
Mark Terry- 30%

2. Applicants Managers, Officers, and directors are as follows:

**Managers:**  
Joe Pitts, Manager

**Officers:**  
Terry L. Lorenz – President  
Curtis H. Cassel – Secretary  
Robert Debrower – Vice President

**Directors:**  
Terry L. Lorenz  
Curtis H. Cassel  
Robert Debrower

3. Applicant does not share common ownership or management with any other companies, except: Missouri Tower Services, LLC, a Missouri limited liability company.



4. No affiliate is offering or has offered telecommunications services, IVOIP, or wireless services, or has ever received FUSF or state funds.

5. Upon being granted ETC status, Applicant hereby commits to notify the Commission to any changes to Applicant's contact information.

6. American Wireless is not registered with the PSC for any other purposes.

7. American Wireless, nor any of the aforementioned affiliates or significant shareholders have had an action brought against them in the last ten (10) years by any state or federal regulatory or law enforcement agency involving any aspect of state or federal universal service funds and programs, fraud, deceit, perjury, stealing, or omissions of material fact.

8. American Wireless does not currently participate in any FUSF funding, and therefore requests a waiver from affirmation of compliance with contribution obligations to the FUSF as required in 4 CSR 240-31.130(1)(E)(3).

WHEREFORE, American Wireless respectfully requests that the Commission as expeditiously as possible issue an order designating the Applicant as an ETC in Missouri throughout the service area specified above for the purposes of (i) receiving federal Lifeline support and reimbursement for provision of low-income communications services on a wireless basis to qualified low-income customers; (ii) federal support in connection with the Connect America Fund broadband initiative, and (iii) to grant such other and further relief as the Commission deems appropriate including waiver of the application of the following rules as more fully discussed herein this Application:

4 CSR 240-31.130(1)(B)(3)(A-B)

4 CSR 240-31.130(1)(F)(3)

47 CFR 54.202(a)(1)(ii)

4 CSR 240-31.130(1)(E)(3).

**AMERICAN WIRELESS, INC.**

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P. O. Box 1150

Cape Girardeau, MO 63702-1150

Phone: 573-335-3316

Fax: 573-335-0621

[jkoch@limbaughlaw.com](mailto:jkoch@limbaughlaw.com)

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Fax: 573-335-0621

[csides@limbaughlaw.com](mailto:csides@limbaughlaw.com)

**AFFIDAVIT**

STATE OF MISSOURI )

) ss.

COUNTY OF CAPE GIRARDEAU )

I, the undersigned, being of lawful age and sound mind, and being duly sworn, deposes and states follows that I am the Manager of American Wireless, Inc., the applicant in the above Application ("Applicant"), that I am authorized to make this verification on behalf of Applicant, that I have read the above and foregoing Application, that I know and understand the contents thereof, and that the statements and allegations therein contained are true and correct to the best of my knowledge, understanding and belief.

Joe Pitts

Joe Pitts, Manager

Subscribed and sworn to before me this 23<sup>rd</sup> day of September, 2015.

Marilyn Gilmore

Notary Public

My Commission Expires:


**MARILYN GILMORE**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
County of Cape Girardeau  
Commission #14432714  
My Commission Expires: July 5, 2018

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing application has been served upon the below named parties by electronic mail and/or first-class mail, postage paid, this 23<sup>rd</sup> day of September, 2015:

Office of Public Counsel  
200 Madison St., Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102-2230  
E-mail: [mopco@ded.mo.gov](mailto:mopco@ded.mo.gov)

Office of General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360  
Email: [staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

  
\_\_\_\_\_  
Jeffrey J. Koch #56157  
407 N. Kingshighway, Ste. 400  
P. O. Box 1150  
Cape Girardeau, MO 63702-1150  
Phone: 573-335-3316  
Fax: 573-335-0621  
[jkoch@limbaughlaw.com](mailto:jkoch@limbaughlaw.com)

# EXHIBIT A



## State of Missouri

Robin Carnahan, Secretary of State

Corporations Division  
PO Box 778 / 600 W. Main St., Rm. 322  
Jefferson City, MO 65102

File Number:

01111859

Date Filed: 01/12/2011

Robin Carnahan

Secretary of State

### Articles of Incorporation

#### Article One

The name of the corporation is American Wireless, Inc.

#### Article Two

The registered agent's name is William F. Clark

The address, including street and number for the registered agent's office in the state of Missouri:  
(PO Box may only be used in addition to a physical street address)

190 Briar Crest Drive, Jackson, Missouri 63755

Street Address

City

State/Zip

#### Article Three

(Must complete 1 or 2)

1. If the aggregate number of shares in which the corporation shall have authority to issue DOES NOT exceed 30,000 shares or the par valued DOES NOT exceed \$30,000 please check this box:

or

2. If the aggregate number of shares in which the corporation shall have authority to issue exceeds 30,000 shares or the par value exceeds \$30,000 dollars please indicate the number of shares of each class and the par value of each share. Also, indicate a statement of the preferences, qualifications, limitations, restrictions and the special or relative rights including convertible right, is any, in respect of the share of each class:

#### Article Four

The name and physical business or residence address of each incorporator:

Name

Address

City/State/Zip

William F. Clark, 190 Briar Crest Drive, Jackson, Missouri 63755

(Please see next page)

Name and address to return filed document:

Name: Jonah T. Yates, Esq.

Address: 3071 Lexington Avenue

City, State, and Zip Code: Cape Girardeau, MO 63701

State of Missouri  
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Article Five

The number of years the corporation is to continue or perpetual: (Please select one)

Perpetual (check box) or State number of years \_\_\_\_\_

Article Six

The corporation is formed for the following lawful purpose(s):

Building a wireless Internet network and to have and to exercise all powers necessary or incident to carrying out its corporate purposes, to exercise all other powers permitted by laws of the State of Missouri, and to possess and enjoy all rights and powers which now or at any time hereafter may be granted to or exercised by a corporation of this character

Article Seven

The number of directors to constitute the board of directors: one (optional)

The effective date of this document is the date it is filed by the Secretary of State of Missouri unless a future date is otherwise indicated:

*(Date may not be more than 90 days after the filing date in this office)*

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

William F. Clark

*William F. Clark*

Signature of Incorporator(s)

William F. Clark

Printed or Typed Name  
Name of Incorporator(s)

1-10-11

Date of Signature

# State of Missouri



Robin Carnahan  
Secretary of State

## CERTIFICATE OF INCORPORATION

WHEREAS, Articles of Incorporation of

*American Wireless, Inc.*  
01111859

have been received and filed in the Office of the Secretary of State, which Articles, in all respects, comply with the requirements of General and Business Corporation Law.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do hereby certify and declare this entity a body corporate, duly organized this date and that it is entitled to all rights and privileges granted corporations organized under the General and Business Corporation Law.

IN TESTIMONY WHEREOF, I hereunto  
set my hand and cause to be affixed the  
GREAT SEAL of the State of Missouri.  
Done at the City of Jefferson, this  
12th day of January, 2011.

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State

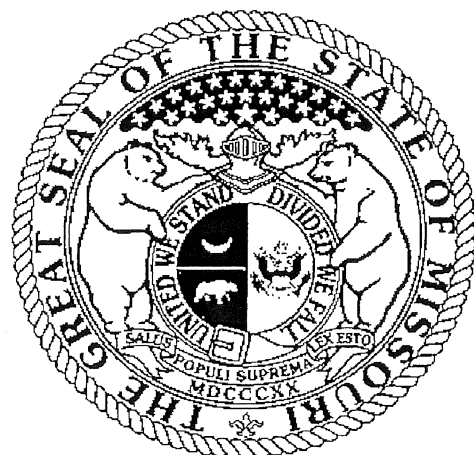


EXHIBIT B

# STATE OF MISSOURI



**Jason Kander**  
**Secretary of State**

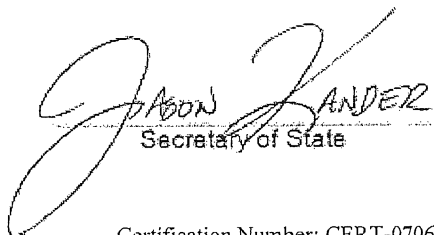
CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING

I, JASON KANDER, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

*American Wireless, Inc.*  
*01111859*

was created under the laws of this State on the 12th day of January, 2011, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 6th day of July, 2015.

  
Secretary of State



Certification Number: CERT-07062015-0088