

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 11th day of
March, 2009.

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

In the Matter of the Application of)
YourTel America, Inc., to Amend its)
Designation as an Eligible)
Telecommunications Carrier pursuant)
to the Telecommunications Act of 1996)

File No. CO-2009-0257

ORDER GRANTING APPLICATION TO AMEND DESIGNATION

Issue Date: March 11, 2009

Effective Date: March 21, 2009

The Missouri Public Service Commission grants federal Universal Service Fund low-income support for wireless telecommunications service by YourTel America, Inc., and waives provisions for high-cost service, as follows.

Procedure

On January 12, 2009, YourTel filed the verified application. The application seeks to:

- a. amend the designation (“application”) of YourTel America, Inc. (“YourTel”), as an eligible telecommunications carrier (“ETC”), to provide wireless telecommunication services (“wireless”) with federal Universal Service Fund (“FUSF”) low-income support;¹ and

¹ The application expressly seeks no eligibility for wireless under the Missouri Universal Service Fund (the “state fund”). The state fund bars wireless unless “at some point in the future Missouri law be revised so as to allow wireless carriers to receive support from” the state fund, according to YourTel. YourTel cites no authority for that conclusion, and Staff does not address it.

- b. waive regulations on the application's content related to high-cost service.

On February 19, 2009, the Commission's staff ("Staff") filed its recommendation, with a supporting affidavit, in favor of the application. Because all parties agree with the application, no law requires a hearing before deciding the application,² and the Commission deems the hearing waived.³ The Commission bases its findings on the verified filings.

Findings of Fact

1. YourTel is a Missouri corporation.

2. YourTel holds certificates of service authority to provide the following telecommunications services in Missouri: basic local, local exchange, exchange access, and interexchange. YourTel holds an ETC designation of FUSF eligibility for its wireline services in 35 exchanges.⁴ It uses FUSF funds for which it uses only for low-income support, and not for high-cost service.

3. 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 YourTel, and YourTel has no overdue annual report or assessments fees.

Conclusions of Law

1. The Commission has jurisdiction to decide the application.⁵

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.

⁴ Such exchanges are listed in the appendix to this order and incorporated herein as if fully set out.

⁵ 47 U.S.C. 214(e)(2).

a. High-Cost Waiver

2. High-cost services are the sole subject of certain information required in an ETC designation application, including the matters described at 4 CSR 240-3.570(2)(A) 1, 2 and 3. Such regulations are subject to waiver for good cause.⁶ Good cause for such a waiver finds support in the fact that YourTel expressly does not seek funds to provide high-cost service, so the Commission will waive 4 CSR 240-3.570(2)(A)1, 2 and 3.

b. Low-Income Eligibility

3. Federal law provides that the USF's purposes include providing:

Consumers in all regions of the Nation, including low-income consumers . . . access to telecommunications . . . services [.]⁷

The facts supporting YourTel's current low-income ETC designation⁸ also support amending its designation to include wireless. Therefore, the Commission will grant the application.

THE COMMISSION ORDERS THAT:

1. The requirements of 4 CSR 240-3.570(2)(A) 1, 2 and 3 are waived.
2. The application of YourTel America, Inc., for an amendment to its designation, as a federal Universal Service Fund eligible telecommunications carrier for wireless telecommunications services, is granted.
3. This order is effective on March 21, 2009.

⁶ 4 CSR 240-3.015(1) and 4 CSR 240-2.015(1).

⁷ 47 USC § 254(b)(3).

⁸ The Commission found such facts in two earlier orders, the first of which issued when YourTel operated under a different name.

- ***In the Matter of the Application of The Pager Company for Designation as a Telecommunications Carrier Eligible for Federal Universal Service Support pursuant to Section 254 of the Telecommunications Act of 1996***, File No. CO-2003-0094 (order of April 1, 2003).

4. The Commission's Data Center shall close this file on March 22, 2009.

BY THE COMMISSION

(S E A L)



Colleen M. Dale
Secretary

Clayton, Chm., Murray, Davis, Jarrett,
and Gunn, CC., concur.

Jordan, Regulatory Law Judge

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- ***In the Matter of the Application of YourTel America, Inc., for Designation as an Eligible Telecommunications Carrier***, File No. CO-2008-0334 (order of June 12, 2008).

Appendix

St. Louis Metropolitan

St. Charles

Chesterfield

Valley Park

Maxville

Pond

High Ridge

Herculaneum-Pevely

De Soto

Ware

Pacific

Ash Grove

Carl Junction

Excelsior Springs

Harrisonville

Richmond

Smithville

Portage Des Sioux

Harvester

Manchester

Fenton

Imperial

Eureka

Antonia

Festus-Crystal City

Hillsboro

Cedar Hill

Gray Summit

Camdenton

Clever

Grain Valley

Kansas City MCA Metro

Sedalia

Springfield MCA

St. Joseph