



dPi and Staff exchanged several rounds of pleadings, and dPi also filed a tariff on April 12, 2010, effective May 12, 2010. dPi later extended the tariff effective date to June 9, 2010. Staff filed its Recommendation on May 28, 2010, requesting that the Commission grant dPi the requested relief.

### **Discussion**

The application is within the Commission's jurisdiction to decide.<sup>1</sup> Because no party objects to dPi's application, no evidentiary hearing is required.<sup>2</sup> Thus, the Commission deems the hearing waived,<sup>3</sup> and bases its findings on the verified filings, and makes its conclusions as follows.

dPi is a Delaware limited liability company authorized to do business in Missouri. dPi is a competitive local exchange carrier and holds a certificate of service authority to provide basic local exchange services in its service area. 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 dPi, and dPi has no overdue annual report or assessment fees.

The federal Universal Service Fund was established in the Telecommunications Act of 1996. The stated purpose of the fund is to ensure that telephone customers in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable and affordable rates.<sup>4</sup> To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo.App. 1989).

<sup>3</sup> Section 536.060, RSMo 2000.

<sup>4</sup> 47 U.S.C. 254(b).

telecommunications service providers who serve rural and high cost parts of the country. Before a telecommunications service provider is eligible to receive funding from the Universal Service Fund, it must be designated as an Eligible Telecommunications Company, referred to by the acronym ETC.

The Telecommunications Act established two factual criteria for determining whether an applicant may be designated as an ETC. First, the applicant must offer the services that are supported by the Universal Service Fund throughout the service area for which the designation is received.<sup>5</sup> The applicant can offer those services either through its own facilities, or a combination of its own facilities and the resale of another carrier's services. Second, the applicant must advertise the availability of such services and the charges therefor using media of general distribution.<sup>6</sup>

dPi requests waivers of Commission Rules 4 CSR 240-3.570(2)(A)1-3 (requiring filings regarding the intended use of high-cost support), (2)(C) (plans for handling unusual construction or installation charges), and (3)(C)(3) (plans for extending the carrier's network). Staff states that these regulations are applicable only for carriers seeking **high**-cost support. Because dPi seeks only **low**-cost support, Staff recommends granting the waivers.

The Commission finds the allegations in the Application and its supplements, and Staff's Memorandum and Recommendation to be true. The Commission must grant dPi eligible telecommunications carrier designation if it offers the services set out in

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<sup>5</sup> 47 CFR 54.101(a) (which requires ETCs to offer (1) Voice grade access to the public switched network; (2) Local usage; (3) Dual tone multi-frequency signaling or its functional equivalent; (4) Single-party service or its functional equivalent; (5) Access to emergency services; (6) Access to operator services; (7) Access to interexchange service; (8) Access to directory assistance; (9) Toll limitation for qualifying low-income consumers; and (10) Access to telecommunications relay services by dialing 711.

<sup>6</sup> 47 U.S.C. 214(e)(1).

Section 254 of the Act and if it advertises the availability of those services using media of general distribution.<sup>7</sup> The Commission finds that dPi has met those requirements. Therefore, the Commission will designate dPi as an eligible telecommunications carrier.

The Commission may waive regulations based upon good cause.<sup>8</sup> Good cause exists to waive those regulations due to dPi's application being limited to seeking only federal low-cost USF support.

### **THE COMMISSION ORDERS THAT:**

1. dPi Teleconnect, LLC is designated as an eligible telecommunications carrier throughout the Southwestern Bell Telephone Company, L.P., d/b/a AT&T Missouri service territories, as set forth in Exhibit 1 to its application, under the provisions of 47 U.S.C. §§ 214 and 254, to receive low-income federal universal service fund support.

2. dPi Teleconnect, LLC shall advertise the availability of Lifeline and LinkUp services using media of general distribution, in compliance with 47 U.S.C § 214(e)(1).

3. The requirements of 4 CSR 240-3.570(2)(A)1-3, 4 CSR 240-3.570(2)(C), and 4 CSR 240-3.570(3)(C)(3) are waived.

4. The tariff filed on April 12, 2010, denominated as Tariff No. JC-2010-0602, is approved for service rendered on and after June 9, 2010. The tariff approved is:

### **P.S.C. MO. No. 2, Canceling P.S.C. Mo. Tariff No. 1**

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<sup>7</sup> 47 U.S.C. § 214(e)(1), (2).

<sup>8</sup> Commission Rules 4 CSR 240-2.015(1), 3.015(1).

5. This order shall become effective on June 9, 2010.
6. This case shall be closed on June 10, 2010.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

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

Pridgin, Senior Regulatory Law Judge