

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

**IN THE MATTER OF THE )**  
**APPLICATION OF EASY TELEPHONE )**  
**SERVICE COMPANY D/B/A EASY )**  
**WIRELESS FOR DESIGNATION AS AN ) Case No. \_\_\_\_\_**  
**ELIGIBLE TELECOMMUNICATIONS )**  
**CARRIER ON A WIRELESS BASIS )**  
**(LOW INCOME ONLY) )**

**APPLICATION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER ON A WIRELESS BASIS**

COMES NOW Easy Telephone Service Company d/b/a Easy Wireless (“Easy Wireless” or the “Company”) and, pursuant to the Federal Communications Act of 1934, as amended (the “1996 Act”), 47 U.S.C. § 214(e), and Federal Communications Commission (“FCC”) Universal Services Rules, 47 C.F.R. §§ 54.101 through 54.207 (the “FCC Rules”), hereby requests that the Missouri Public Service Commission (the “Commission”) designate Easy Wireless as an Eligible Telecommunications Carrier (“ETC”) throughout the non-rural Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (“AT&T Missouri”), exchanges described herein (the “Service Area”) for the purpose of receiving federal universal service support for wireless services. At this time Easy Wireless does not seek designation as an ETC on a wireline basis. A list of each AT&T Missouri wire center for which Easy Wireless is requesting ETC status in the state of Missouri is attached hereto as **Exhibit “A.”** In further support of its Application, Easy Wireless states as follows:

1. Easy Wireless is a Florida corporation with its principal offices located at 4477 Rainbow Avenue, Weston, Florida, 33332. Easy Wireless’ Articles of Incorporation and Certificate of Good Standing in Missouri are attached as **Exhibit “B”** hereto.

2. Correspondence or communications pertaining to this Application should be directed to Easy Wireless' attorneys of record:

Mark P. Johnson MO Bar #30740  
SNR Denton US LLP  
4520 Main, Suite 1100  
Kansas City, Missouri 64111  
Telephone: (816) 460-2424  
Facsimile: (816) 351-7545  
Email: mark.johnson@snrdenton.com

and

Stanley Q. Smith  
WATKINS LUDLAM WINTER & STENNIS, P.A.  
190 E. Capitol Street, Suite 800 (39201)  
P.O. Box 427  
Jackson, Mississippi 39205-0427  
Telephone: (601) 949-4863  
Facsimile: (601) 949-4804  
Email: stansmith@watkinsludlam.com

3. Questions concerning the ongoing operations of Easy Wireless following certification should be directed to:

Joseph A. Fernandez  
Easy Telephone Service Company  
4477 Rainbow Avenue  
Weston, Florida 33332  
Telephone: (866) 476-0235  
Email: jsf@htcoffl.com

Easy Wireless will inform the Commission of any changes in its contact information, as required by 4 CSR 240-3.570(3)(f).

4. As a result of the work and cooperation of federal and state regulators, the FCC has adopted a number of cost recovery policies and mechanisms designed to promote and

maintain universal service (the “Universal Service Fund” or “USF”). The Universal Service Fund was established, in part, to provide support to qualifying low-income communications end-users such as those serviced by Easy Wireless. Mechanisms were also established in an effort to moderate the amount of costs to be recovered through basic, recurring charges to low-income users, thereby assisting efforts to maintain reasonable basic rate levels.

5. Since January 1, 1998, a competitive local exchange carrier has qualified to receive the universal service support set forth above only if it has been designated by a state regulatory agency as an ETC. The Universal Service Fund therefore represents significant additional resources which could greatly benefit the consumers and businesses of the state of Missouri upon the designation of Easy Wireless as an ETC.

6. Easy Wireless requests that the Commission, by order, designate the company as an ETC throughout its Service Area, and pursuant to 47 C.F.R. § 54.202(a)(1), Easy Wireless commits to provide service throughout the proposed Service Area. As described below, Easy Wireless seeks ETC status on a wireless basis beginning as soon as possible in 2010 upon approval by the Commission. Easy Wireless is not seeking ETC designation on a wireline basis.

7. Pursuant to this Application, Easy Wireless requests ETC status solely for the purpose of providing the services supported by, and participating in the Low Income Programs of, the Universal Service Fund. Easy Wireless does not request ETC status for the purpose of participating in any High Cost programs of the Universal Service Fund. Such action is entirely consistent with both the 1996 Act and the public interest of the State of Missouri.

8. ETC designation will enhance Easy Wireless’ ability to provide service to low income consumers within the Service Area, and since this Application is solely for the purpose of receiving low income universal service support, Easy Wireless’ new wireless offering will

supplement and not detract from the provision of supported services in such area. Easy Wireless is not seeking ETC designation on a wireline basis. Easy Wireless will provide the supported services using a combination of its own facilities and resale of other carriers' services while advertising the availability of those services using media of general distribution. Under Easy Wireless' proposed Low Income wireless offering, each eligible wireless customer will receive a handset at no cost to the subscriber.

9. Consistent with the requirements of the 1996 Act, 47 U.S.C. §214(e)(6) and Sections 54.101 through 54.207 of the FCC Rules, Easy Wireless, in its provision of wireless services, will rely on a combination of resold services which the Company will obtain from underlying wireless providers that currently operate their own networks and Company-owned facilities, thus allowing Easy Wireless to meet the FCC's test that requires an ETC to provide services, at least in part, through a "combination of its own facilities and resale of another carrier's services".<sup>1</sup> Easy Wireless owns and operates a Class 5 central office switch located in Boca Raton, Florida, and has collocated end-office equipment in four (4) AT&T central offices. Easy Wireless' wireless directory assistance traffic will flow through the Class 5 switch.

10. Easy Wireless also obtains services through commercial mobile radio service ("CMRS") providers that allow the Company to supplement the services provided through Company-owned facilities. Through these arrangements, Easy Wireless is able to offer all of the services and functionalities supported by the universal service program, as detailed in Section 54.101(a) of the FCC Rules<sup>2</sup>, throughout its Service Area, thereby allowing the Company to provide service to its customers throughout the geographic area served by non-rural provider AT&T Missouri.

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<sup>1</sup> See 47 U.S.C. § 214(e)(1)(A).

<sup>2</sup> See 47 C.F.R. § 54.101(a).

11. Easy Wireless' Florida-based facilities are co-located with other carriers' facilities and provide Easy Wireless the ability to route interexchange services and route directory assistance services, which are among the supported services.<sup>3</sup> Currently, there is no state or federal definition or requirement as to the number of, or the amount of, the supported services that an ETC must offer via its "own facilities." The ETC must provide some portion of the supported facilities through the use of the same, which Easy Wireless does. Therefore, Easy Wireless is able to meet the federal requirement that an ETC must offer the supported services at least in part through the use of its own facilities. Additionally, Federal law does not require any particular level of facilities. The FCC stated in its Universal Service Order, 12 FCC Rcd 8853, FCC 97-157 ("USF Order"), at para. 169 that:

We adopt the Joint Board's analysis and conclusion that a carrier need not offer universal service wholly over its own facilities in order to be designated as eligible because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale. Although the Joint Board did not reach this issue, we find that the statute does not dictate that a carrier use a specific level of its "own facilities" in providing the services designated for universal service support given that the statute provides only that a carrier may use a "combination of its own facilities and resale" and does not qualify the term "own facilities" with respect to the amount of facilities a carrier must use. For the same reasons, we find that the statute does not require a carrier to use its own facilities to provide each of the designated services but, instead, permits a carrier to use its own facilities to provide at least one of the supported services.

12. In affirming its own decisions, the FCC chose to continue to define the term "own facilities" as "*any physical components* of the telecommunications network that are used in the transmission of the services that are designated for support"<sup>4</sup> (emphasis added). The 1996 Act's definition of "network element" matches that of the FCC and defines a "network element" as "a

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<sup>3</sup> See 47 C.F.R. § 54.101(a)(7).

<sup>4</sup> See 47 C.F.R. § 54.101; 47 C.F.R. § 54.201(e).

facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.”<sup>5</sup> All facilities-based carriers have and use network elements.<sup>6</sup>

13. Designation of Easy Wireless as an ETC on a wireless basis is in the public interest of the State of Missouri and its low-income telecommunications end-users. Under the 1996 Act, “[u]pon request and consistent with the public interest, convenience and necessity”<sup>7</sup> the Commission shall “designate more than one common carrier as an eligible telecommunications carrier for a service area designated”<sup>8</sup> by the Commission. In doing so, the Commission “shall find that the designation is in the public interest”.<sup>9</sup> The FCC Rules require that an ETC application demonstrate that designation would be consistent with the public interest, convenience and necessity, and that prior to designating an ETC pursuant to section 214(e)(6), the Commission “shall consider the benefits of increased consumer choice, and the unique advantages...of the applicant’s service offering”.<sup>10</sup> Pursuant to this requirement, and consistent with 47 C.F.R. § 202(c) and 4 CSR 240-3.570(2)(A) 5, Easy Wireless provides the following information which clearly demonstrates that Easy Wireless’ designation as an ETC on a wireless basis is consistent with the public interest, convenience and necessity, providing consumers with increased competitive choice through the offering of a unique service.

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<sup>5</sup> See 47 U.S.C. § 153(29).

<sup>6</sup> Only ILEC network elements can be designated as “unbundled” under 47 U.S.C. § 251(c)(3) using the criteria in 47 U.S.C. § 251(d)(2), but all facility-based carriers, including nondominant wireline and wireless carriers also have “network elements.”

<sup>7</sup> 47 C.F.R. § 54.201(c).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> 47 C.F.R. § 54.202(c).

The FCC has also identified factors that are to be considered in determining whether designation of additional ETCs will serve the public interest such as whether the benefits of an additional ETC would outweigh potential harms. These factors include: 1) the benefits of increased competitive choice; and 2) the unique advantages and disadvantages of the company's service offerings.<sup>11</sup> Easy Wireless affirms that its ETC designation meets these criteria as described below.

(a) **Increased Competitive Choice.** The FCC has determined that while designation of competitive ETCs promotes and benefits consumers by increasing customer choice, designation must include "an affirmative determination that such designation is in the public interest regardless of whether the applicant seeks designation in an area served by a rural or non-rural carrier."<sup>12</sup> Easy Wireless is seeking ETC designation on a wireless basis which will provide an additional valuable alternative to the existing telecommunications services currently available in these areas and will promote competition and facilitate the provision of advanced communications services to low-income residents of Missouri.

Easy Wireless believes that there are significant areas within its proposed ETC service area in which its target market, low income subscribers, are underserved by wireless telephone facilities. The mobility of Easy Wireless' prepaid wireless service will assist low income consumers who often must drive significant distances to places of employment, stores, schools, and other critical community locations, and it will provide timely access to emergency services as and when needed.

The public interest benefits of inclusion of the Company's wireless service include larger local calling areas (as compared to traditional wireline carriers), the convenience and security

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<sup>11</sup> See 47 C.F.R. § 54.202(c).

<sup>12</sup> See Federal-State Joint Board on Universal Service, 20 FCC Rcd 6371, ¶ 42 (2005).

afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage in the event that included usage has been exhausted, 9-1-1 service and, where available, E 9-1-1 service in accordance with current FCC requirements.

The inclusion of toll calling as a part of Easy Wireless' wireless offering, along with the fact that service is provided without a monthly recurring charge, will allow consumers to avoid the risk of becoming burdened with large and unexpected charges for toll calling and unexpected overage charges.

Designation of the Company as an ETC on a wireless basis will also provide other carriers serving the same area an incentive to improve their existing networks and service offerings in order to remain competitive, which will result in improved consumer services and will also benefit consumers by allowing Easy Wireless to offer the services designated for support at rates that are "just, reasonable, and affordable."<sup>13</sup>

As provided by the 1996 Act, the availability of basic telecommunications services to low-income consumers is critical to the provision of public health, safety, and other services. In addition, the FCC has long acknowledged the benefits to consumers of being able to choose from a variety of telecommunications providers and the resulting variety of telecommunications services they provide.<sup>14</sup> This is of particular interest in cases where wireless providers, such as Easy Wireless, seek to provide services as alternatives to those of the traditional carriers. In the *Highland Cellular*<sup>15</sup> case, the FCC recognized and affirmed that some households may not have

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<sup>13</sup> See 47 U.S.C. § 254(b)(1).

<sup>14</sup> See e.g., *Specialized Common Carrier Services*, 29 FCC 2d 870 (1971).

<sup>15</sup> Federal-State Joint Bd. on Universal Serv., *Highland Cellular, Inc., Memorandum Opinion and Order*, 19 F.C.C.R. 6422 (2004).



access to the public switched network as provided by the incumbent local exchange carrier. The availability of a wireless competitor benefits consumers who routinely drive long distances to attend work or school or to accomplish everyday tasks such as shopping or attending community and social events. The wireless service offered by Easy Wireless will provide these consumers with a convenient and affordable alternative to traditional telecommunications service that can be used while at home and away from home.

The Lifeline and Link-Up service offered by Easy Wireless also provides important benefits that are especially needed by low-income Missouri residents in this time of economic downturn. As the Commission is aware, the Dow Jones Average, a primary indicator of the health of the economy, has been at a low ebb for a considerable period of time. Thus, the savings accounts, upon which many depend for emergencies and retirement, have significantly eroded. Since the recession began, 5.1 million jobs have been lost nationally.<sup>16</sup> By August of 2010, the number of unemployed persons in America total 14.9 million, and the unemployment rate rose to 9.6 percent.<sup>17</sup> As of July 2010, Missouri's unemployment rate is reported to be 9.4 percent,<sup>18</sup> which has a significant impact on many residents of the state. The availability of a mobile telephone will be critical to the efforts of the unemployed as they search for other employment opportunities. Without a regular paycheck, wireless telephone service would become a luxury beyond the means of many of those persons.

Easy Wireless' Lifeline and Link-Up programs will enable thousands of residents to obtain wireless service which would otherwise be unavailable to them. The economic circumstances indicate that low-income individuals, now more than ever, can greatly benefit

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<sup>16</sup> *Source* United States Department of Labor Bureau of Labor Statistics.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

from the advantages offered by Easy Wireless' Lifeline and Link-Up service thus allowing those adversely impacted by the failing economy or job loss to have access to a free wireless service to assist in emergency situations, facilitate job search efforts, and to maintain contact with family members.

It is also a commonly accepted fact that in today's market, qualified Lifeline and Link-Up customers view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents, wherever they may be, allows a person seeking employment the ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers, regardless of location.

Added together, Easy Wireless expects these additional competitive advantages to create an atmosphere that will cause many qualified consumers, at their option, to select the Company's low income wireless Lifeline and Link-Up service in lieu of the more traditional wireline or wireless services.

**(b) The Unique Advantages of Easy Wireless Service Offerings.** Easy Wireless will offer a unique, easy to use, competitive and highly affordable wireless telecommunications service, which it will make available to qualified consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of more traditional services.

Consistent with 47 C.F.R. §54.405(b) and 4 CSR 240-3.570(2)(A)6, Easy Wireless will announce and advertise telecommunications services as an ETC where it provides service in its Service Area and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Missouri residents will be made aware of the opportunities afforded to them under the

Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to Easy Wireless' service. A sample of Easy Wireless' planned advertising is attached hereto as **Exhibit "C."**

Easy Wireless will provide universal service as an ETC in all of its Service Area.

Easy Wireless is willing to accept carrier of last resort obligations throughout the universal service areas in which Easy Wireless is designated as an ETC by the Commission.

Easy Wireless will provide equal access to long distance carriers, to the extent to which it is able to do so, and will do so if all other ETCs in the Service Area relinquish their ETC designations.

Easy Wireless offers a local usage plan comparable to the one offered by the ILEC in the service areas for which it seeks designation.

(c) **Easy Wireless Lifeline Plan.** Lifeline is a component of one of four separate federal universal service fund mechanisms<sup>19</sup> known as the "low-income support mechanism"<sup>20</sup> and is defined in 47 C.F.R. § 54.401 as "a retail local service offering" "available only to qualified low-income consumers" "for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount" "that includes the services or functionalities enumerated in § 54.401(a)(1) through (a)(9)," which the Company will use to "[m]ake available Lifeline service...to qualifying low-income consumers".<sup>21</sup> Under the Company's wireless Lifeline plan, Easy Wireless will provide qualified Lifeline customers who reside in the State of Missouri with 75 minutes of free anytime local and long distance minutes

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<sup>19</sup> 47 C.F.R. § 54.8(a)(1); See "Definitions" at second sentence.

<sup>20</sup> 47 C.F.R. § 54.8(a)(1); See "Definitions" at first sentence.

<sup>21</sup> 47 C.F.R. §§ 54.401(a), 54.401(a)(1), 54.401 (a)(2), 54.401(a)(3), 54.405(a).

each month and will use all low-income universal service support to allow the Company to provide the service with no monthly recurring charge, thus ensuring that the consumer receives 100% of all universal service support funding for which the Company will seek reimbursement from the Universal Service Fund necessary to provide the free minutes of airtime above. In the event that all airtime has been used, Lifeline customers will have the capability of purchasing additional airtime replenishment cards in \$10, \$20, and \$30 denominations. Airtime replenishment cards will be made available at retail outlets frequented by low income customers throughout the Service Area.

The wireless plan will also include a free handset and the following Custom Calling features:

- (1) Caller ID;
- (2) Call Waiting;
- (3) Call Forwarding;
- (4) 3-Way Calling
- (5) Voicemail.

Wireless handsets will be delivered at no charge to qualifying customers, service will be activated, and the requisite number of minutes will be added upon certification of the customer for Lifeline and Link-Up.

(d) **Easy Wireless' Link-Up Plan.** Like Lifeline, Link-Up is also a component of one of four separate federal universal service fund mechanisms<sup>22</sup> known as the “low-income support mechanism”,<sup>23</sup> and is defined in 47 C.F.R. § 54.411 as an “assistance program for qualifying low-income consumers, *which an eligible telecommunications carrier*

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<sup>22</sup> 47 C.F.R. § 54.8(a)(1); *See* “Definitions” at second sentence.

<sup>23</sup> 47 C.F.R. § 54.8(a)(1); *See* “Definitions” at first sentence.

shall offer as part of its obligations set forth in § 54.101(a)(9) and 54.101(b)<sup>24 25</sup> (emphasis added). Assistance is in the form of a “reduction in the carrier’s customary charge for commencing telecommunications service for a single telecommunications connection” and “shall be half of the customary charge or \$30.00, whichever is less”.<sup>26</sup> Consistent with FCC requirements, Easy Wireless will use Link-Up support to reduce the company’s “customary charge for commencing service” by “half of the customary charge...”,<sup>27</sup> which will result in a reduction of the Company’s wireless activation charge by \$30.00.

Qualifying subscribers will have the option of deferring the reduced activation charge over a twelve-month period with no interest, thus allowing subscribers to obtain service without being required to pay any up-front fees to activate service with Easy Wireless. As such, there is no up-front connection charge applicable to qualifying Easy Wireless Lifeline customers.

(e) **Designation of Easy Wireless as an ETC Will Benefit Low Income Consumers in the State of Missouri.** Under the FCC Rules, and 4 CSR 240-3.570(A)(2)8, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards<sup>28</sup>; Easy Wireless will satisfy all such standards. As part of its certification requirements for providing local exchange services, Easy Wireless must abide by the service quality and consumer protection rules. In addition, Easy Wireless commits to reporting

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<sup>24</sup> 47 C.F.R. § 54.411(a). The plain reading of this definition is that an ETC is obligated to provide this discount to qualifying low-income consumers. In addition, 47 C.F.R. § 54.413(a) stipulates that carriers that provide Link-Up discounts, “may receive universal service support reimbursement for the revenue they forgo in reducing their customary charge for commencing telecommunications service...”

<sup>25</sup> 47 C.F.R. § 54.101(a)(9) is the specific obligation to offer Toll Limitation for qualifying low-income consumers while 47 C.F.R. § 54.101(b) is the requirement that an “eligible telecommunications carrier must offer each of the” services designated for support “in order to receive federal universal service support”. As a part of its application, Easy Wireless has demonstrated that it has the capability to and will offer all of the supported services specified in 47 C.F.R. § 54(a)(1) – (9).

<sup>26</sup> 47 C.F.R. § 54.411(a)(1).

<sup>27</sup> *Id.*

<sup>28</sup> 47 C.F.R. § 54.202(a)(3), 62 Fed. Reg. 15,978 at Para 28.

information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's USF Order.<sup>29</sup> Easy Wireless in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.

Under the FCC Rules, an ETC applicant must demonstrate its ability to remain functional in emergency situations.<sup>30</sup> Since Easy Wireless is providing service to its customers through the use of facilities obtained from other carriers, this arrangement allows Easy Wireless to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

In addition, designation of the Company as an ETC on a wireless basis will make Lifeline and Link-Up discounts available to many more Missouri residents. This provision of Lifeline and Link-Up discounts is particularly valuable to low-income customers in the wireless field because, to Easy Wireless' knowledge, there are a limited number of wireless providers offering USF supported service and even fewer offering the same with absolutely no monthly recurring charge to the end-user. As such, the service for which Easy Wireless seeks ETC status is unique.

Inclusion of Easy Wireless wireless service will serve the public interest by increasing participation of qualified consumers in the Lifeline and Link-Up programs, thereby contributing to an overall increase in the number of Missouri residents receiving Lifeline and Link-Up and an increase to the amount of federal USF dollars benefiting Missouri residents.

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<sup>29</sup> USF Order at Para 4.

<sup>30</sup> 47 C.F.R. § 54.202(a)(2); USF Order at Para 25.

Finally, inclusion of Easy Wireless wireless service will serve the public interest by furthering the extensive role that Easy Wireless believes it will play in the provision of communications service to low-income consumers, transient users, and other consumers who, due to the restrictive credit criteria, deposit requirements, and long-term commitments of traditional service providers, are off network and, without any viable alternative, are likely to remain so.

(f) **Designation of Easy Wireless on a Wireless Basis Will Impose a Negligible Impact on the USF.** Easy Wireless reiterates that it is applying for ETC designation solely for the purpose to provide Lifeline and Link-Up discounts to qualified low-income consumers and to seek reimbursement for the same and will not seek or accept High Cost support. Under the FCC Rules, an ETC applicant must submit a five-year plan that describes with specificity the proposed improvements or upgrades to the applicant's network on a wire-center-by-wire-center basis throughout its proposed Service Area. The only circumstance warranting deviation from this requirement is where an applicant's requested ETC serving territory would qualify it to receive no "high cost" USF support, but only "low income" USF support. Because Easy Wireless seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline and Link-Up services to eligible customers, submission of a Five-Year Network Improvement Plan is not required at this time. Since Lifeline support is designed to reduce the monthly cost of telecommunication services for eligible consumers, is distributed on a per-customer basis, and is directly reflected in the price that the eligible customer pays, it is assured that all support received by the carrier is used to provide Lifeline services to consumers, thus promoting Lifeline and the availability of telephone service to low-income users, which is clearly in the public interest. In addition, designation of the Company as

an ETC will not pose any adverse effect in the growth in the high cost portions of the USF, nor will it create or contribute to an erosion of high cost funding from any rural or non-rural telephone company.

The FCC reaffirmed this position when it stated that “the potential growth of the fund associated with high-cost support distributed to competitive ETCs” is not relevant to carriers seeking support associated with the low-income program.<sup>31</sup> Accordingly, total low-income support for 2007 accounted for only 11.8 percent of the total distribution of the USF, with high-cost accounting for over 61 percent of the total.<sup>32</sup>

The FCC also recognized that the total effect of additional low-income-only ETC designations would have a minimal impact on the fund when it stated that “any increase in the size of the fund would be minimal and would be outweighed by the benefit of increasing eligible participation in the Lifeline and Link-Up programs, furthering the statutory goal of providing access to low-income consumers.”<sup>33</sup>

It is also vital to recognize that in the case of Lifeline and Link-Up support, an ETC receives USF support *only* for the customers it obtains. In the scenario where a competitive ETC obtains a Lifeline customer from another ETC, only the “capturing” ETC provides Lifeline discounts and as a result, only the “capturing” ETC receives support reimbursement.

In addition, all providers are required to contribute a portion of the interstate revenues received from their customers to the Universal Service Fund. In accordance with current federal regulations, Easy Wireless will make contributions based on that portion of its revenue that is

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<sup>31</sup> Petition of TracFone Wireless, Inc. for Forbearance from 47 U.C.S § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) (TracFone Forbearance Order) at ¶ 17.

<sup>32</sup> 2008 Wireline Competition Bureau, FCC, *Trends in Telephone Service*, Chart 19.1.

<sup>33</sup> TracFone Forbearance Order, at ¶ 17.



determined to be interstate. As such, approving Easy Wireless as an ETC will actually create contributions to the USF that were previously non-existent.

(g) **Easy Wireless Has Internal Controls in Place to Prevent Subscribers from Receiving More Than One Lifeline Discount.** Consistent with federal requirements, Easy Wireless requires customers to self-certify at the time of service activation and annually thereafter that they: 1) are the head of household; 2) participate in one of the state-approved means tested programs; 3) will be receiving Lifeline-supported services only from Easy Wireless; 4) do not currently receive Lifeline support; and 5) will notify Easy Wireless in the event that they no longer participate in the qualifying program. Verification of continued eligibility is accomplished by Easy Wireless annual certification/verification process, in strict compliance with state and federal guidelines.

14. In order to be designated as an ETC, the FCC Rules require that carriers must publicize and offer the list of services supported by the federal universal service mechanisms. As demonstrated below, Easy Wireless satisfies these requirements and should be granted ETC status. Under 47 C.F.R. 54.201 and 4 CSR 240-3.570(3)(C)(1), the ETC must offer the following services:

- a) Voice grade access to the public switched network;
- b) Access to free-of-charge “local usage” defined as an amount of minutes of use of exchange service;
- c) Dual tone multi-frequency signaling or its functional equivalent;
- d) Single-party service or its functional equivalent;
- e) Access to emergency services;
- f) Access to operator services;

- g) Access to interexchange services;
- h) Access to directory assistance; and
- i) Toll limitations services for qualifying low-income customers.

15. As described above, qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier. Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated an ETC. Easy Wireless will comply with each of these requirements regarding service provisions and advertisement, and Easy Wireless will utilize all universal service support for the provision, maintenance, and upgrading of the supported services.

16. Easy Wireless attaches hereto as **Exhibit “D”** and incorporates herein by reference financial statements showing that it has the financial qualifications to provide the services specified herein. The Financial Statements contain *confidential proprietary and financial information* not generally available to the public. Due to the highly competitive nature of the telecommunications marketplace, Easy Wireless deems this material to be proprietary. Accordingly, the financial statements have been marked as confidential and are being submitted under seal to be maintained by the Commission and the Staff on a confidential basis.

17. Easy Wireless attaches as **Exhibit “E”** the current list of its officers, along with biographical information for each.

18. Attached hereto as **Exhibit “F”** is information regarding the handsets issued by Easy Wireless to its customers.

19. Attached hereto as **Exhibit “G”** is a summary of the wireless facilities owned by Easy Wireless through which Easy Wireless proposes to offer wireless service in combination with resold services. Easy Wireless’ wireless directory assistance traffic will flow the Class 5 switch per the network schematic. **Exhibit “G”** contains *confidential proprietary information* not generally available to the public. Due to the highly competitive nature of the telecommunications marketplace, Easy Wireless deems this material to be proprietary. Accordingly, **Exhibit “G”** has been marked as confidential and are being submitted under seal to be maintained by the Commission and the Staff on a confidential basis.

20. Easy Wireless makes the following representations and commitments.

(a) In compliance with 47 C.F.R. § 54.101 and 4 CSR 240-3.570(3)(C)(1)(F), Easy Wireless will include access to telecommunications relay service by dialing 711 among the service features provided to each end-user subscribing to its supported services.

(b) In compliance with 47 C.F.R. § 54.202(a)(1)(B) and 54.202(a)(2), and 4 CSR 240-3.570(2)(A)4, Easy Wireless will provide service in a timely manner and will remain functional in emergencies. Through the use of its owned facilities and leased facilities, Easy Wireless will be able to reroute traffic around damaged facilities, has back-up power to ensure traffic completion without an external power source, and will be able to manage traffic spikes in cases of emergency.

(c) In compliance with 47 C.F.R. § 54.202(a)(4) and 4 CSR 2403.570(2)(A)(10), Easy Wireless will offer local usage plans comparable to those offered by incumbent local exchange carriers in the proposed service area. These local usage plans will include the Lifeline and Link Up discounts at rates, terms, and conditions comparable to Lifeline and Link Up offerings of the incumbent local exchange carriers in the proposed service area.

(d) In compliance with 47 C.F.R. § 54.401(c), Easy Wireless will not collect a deposit from a Lifeline subscriber, regardless of the services the subscriber orders.

(e) In compliance with 47 C.F.R. § 54.401(e), Easy Wireless will not charge a Lifeline subscriber a monthly number portability charge.

(f) In compliance with 47 C.F.R. § 54.403 and 4 CSR 240-3.570(2)(A)(7), Easy Wireless will provide Lifeline discounts in the following manner, which is consistent with the federal Lifeline plan:

Tier One: Lesser of \$6.50 or maximum amount of ILEC's SLC

Tier Two: \$1.75 (federal discount)

Tier Three: \$1.75 (one-half of carrier's contribution)

(g) In compliance with 47 C.F.R. §§ 54.409 and 54.410, and 4 CSR 240-31.050, Easy Wireless has implemented a procedure to require proposed Lifeline subscribers provide documented proof of eligibility and dispose of the submitted documentation. With respect to subscriber eligibility, at the time of service request, the subscriber must complete a self-certification form, attesting under penalty of perjury that they are a current recipient of at least one of the lifeline-qualifying government programs, must identify the specific program, agree to identify to Easy Wireless when/if they cease to participate in the qualifying program, must attest that they have never received a previous linkup subsidy at their current address, and that they are not currently receiving any other concurrent lifeline subsidy.

(h) In compliance with 47 C.F.R. §54.202(a)(3) and 4 CSR 240-3,570(2)(B), Easy Wireless commits to satisfy consumer protection and quality of service standards included in the CTIA Consumer Code for Wireless Service, a copy of which is included as part of **Exhibit "C."**

(i) As required by 4 CSR 240-3.570(A), (B) and (E), Easy Wireless will provide customers with bills that have a clear and understandable design, will provide customer contact information both online and in its customer bills, and will maintain a record of customer complaints.

(j) Within thirty days of receiving ETC designation from the Commission, Easy Wireless will make an informational filing with the Commission describing its service offerings, as required by 4 CSR 3-570(A)(2)9.

21. At the time the prospective lifeline subscriber completes and presents the self-certification form to the Easy Wireless sales agent, the receiving Easy Wireless sales agent must check the form for correctness and completeness (incomplete forms will result in no service being provisioned), must ensure that the form is signed and dated and must witness proof of eligibility in the qualifying program. The agent must document on the self-certification form their name, date and which qualifying document was witnessed. No copy is to be made of the proof document that is witnessed in person. If the qualifying proof document (photocopy) is received by mail or fax, the same notation must be made on the self-certification document, and then the witness must destroy the photocopy via the shredding machine located at each document receipt office.

22. Easy Wireless will follow the MoPSC guidelines to verify customers' continued eligibility. Re-certification forms will be sent out to subscribers along with the monthly invoices, starting in the 10th month of a lifeline subscriber's service. A letter explaining the re-certification process will be included.

23. Easy Wireless has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates,

which action, judgment or decision has occurred within three (3) years of the date of this application.

24. Easy Wireless has no overdue annual report or assessment fees.

### **CONCLUSION**

Having demonstrated that Easy Wireless satisfies the conditions necessary for designation as an ETC in Missouri, and having shown that the public and universal service interests of the telecommunications consumers of the State of Missouri will be properly served, Easy Wireless respectfully requests that the Commission designate Easy Telephone Service Company, d/b/a Easy Wireless, as an ETC for the provision of low income support on a wireless basis throughout Easy Wireless' Service Area.

Respectfully submitted,

By: /s/ Mark P. Johnson

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**ATTORNEYS FOR EASY TELEPHONE  
SERVICE COMPANY D/B/A EASY  
WIRELESS**

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 7th day of December, 2010, served a true and final copy of the foregoing by electronic transmission upon the following, listed below, in accordance with Commission rules.

General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Office of the Public Counsel  
PO Box 7800  
Jefferson City, MO 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

/s/Mark P. Johnson  
Mark P. Johnson




**VERIFICATION**

STATE OF FLORIDA

COUNTY OF Marion

PERSONALLY came and appeared before me, the undersigned party in and for the jurisdiction aforesaid, the within named Joe Fernandez who after being duly sworn by me stated under oath as follows: that I am CEO of Easy Telephone Service Company ("Easy Wireless"); that I executed the foregoing pleading for and on behalf of Easy Wireless; that I am authorized to execute and file said pleading; and that the matters and things set forth in said pleading are true and correct to the best of my knowledge, information and belief.

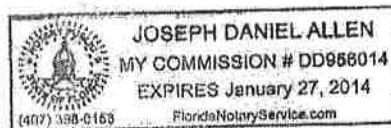
  
[Name of Officer]

SWORN TO AND SUBSCRIBED before me on this the 12 day of OCT, 2010.

  
NOTARY PUBLIC

My Commission Expires:

01/27/2014



## EXHIBITS

- Exhibit A – Wire Centers
- Exhibit B – Articles of Incorporation and Certificate of Good Standing
- Exhibit C – Wireless Marketing Materials and CTIA Consumer Code
- Exhibit D – Financial Information (filed under seal)
- Exhibit E – Officers
- Exhibit F – Information Regarding Handsets
- Exhibit G – Wireless Facilities Information (filed under seal)