

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

In the Matter of the Application of \_\_\_\_\_ )  
Budget Prepay, Inc. for Designation as a \_\_\_\_\_ ) Case No. CO-2012-0043  
Wireless Eligible Telecommunications Carrier)

**AMENDMENT TO APPLICATION  
AND UPDATE OF CONTACT INFORMATION**

COMES NOW Budget Prepay, Inc. d/b/a Budget Mobile (“Budget” or “Company”), pursuant to 4 CSR 240-2.080(18) and 4 CSR 240-3.570(3)(F), and hereby requests leave of the Missouri Public Service Commission (“Commission”) to submit this Amendment to its Application for Designation as a Wireless Eligible Telecommunications Carrier and updates its contact information. In support of its Amendment, Budget states as follows:

1. On August 8, 2011, Budget filed its Application for Designation as a Wireless Eligible Telecommunications Carrier (“Application”) with the Commission. Since the time of that filing, the Federal Communications Commission (“FCC”) has issued a number of orders that modify its rules governing the Lifeline and Link Up programs and that affect the Company’s proposed service offerings in the State of Missouri. Consequently, Budget files this amendment to its August 8, 2011 Application to accord with those modifications made by the FCC.

**A. Forbearance Request - "Own Facilities" Requirement of 47 U.S.C. § 214(e)(1)(A).**

2. In accordance with the FCC’s Lifeline Reform Order,<sup>1</sup> Budget has requested that the FCC forbear from applying the “own facilities” requirement of Section 214(e)(1)(A) of the Communications Act.<sup>2</sup> The Company’s request is consistent with the FCC’s determination to forbear from applying this requirement to Lifeline-only applications that comply with the

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<sup>1</sup> In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, (rel. Feb. 6, 2012) (“Lifeline Reform Order”).

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

conditions set forth in the Lifeline Reform Order.<sup>3</sup>

3. In connection with its forbearance request, Budget has submitted its Compliance Plan for approval by the FCC, as set forth in the Lifeline Reform Order.<sup>4</sup> A copy of the Compliance Plan is attached hereto as **Attachment I**.

**B. Link Up Support.**

4. In accordance with the FCC's Lifeline Reform Order, Budget no longer seeks to participate in the Link Up support program.

**C. Budget's Lifeline Service Offerings.**

5. The details of Budget's two Lifeline offerings are set forth in Exhibit A to the attached Compliance Plan, and reflect the new federal Lifeline subsidy support amounts that will be made available to eligible consumers and qualified ETCs. These plans and the description of these plans set forth in the Compliance Plan replace the plan description set forth in Budget's Application.

**D. Compliance with Revised Section 54.101(a) of the FCC's Rules.**

6. In its Lifeline Reform Order the FCC revised 47 C.F.R. § 54.101 to read as follows:

§ 54.101 Supported services for rural, insular and high cost areas.

(a) Services designated for support. Voice telephony service shall be supported by federal universal service support mechanisms. The

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<sup>3</sup> Lifeline Reform Order at ¶ 368.

<sup>4</sup> Id. See also Budget PrePay, Inc. Compliance Plan, WC Docket No. 09-197 and WC Docket No. 11-42 (filed March 1, 2012). While Budget PrePay owns some facilities and appears to satisfy the revised supported services requirements applicable to ETCs in the *Lifeline Reform Order*, Budget PrePay has filed its Compliance Plan with the FCC out of an abundance of caution, to illustrate its support for many of the recent reform measures taken by the FCC that attempt to curb waste, fraud and abuse in the Low Income Fund, and in the hopes that its filing will expedite processing of its pending ETC designation Petitions.

functionalities of eligible voice telephony services include voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation for qualifying low-income consumers (as described in subpart E of this part).

7. Budget complies with the revised version of Section 54.101 of the FCC's Rules and provides the requisite supported services, as follows:

8. ***Voice Grade Access.*** Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent. "Voice grade access" permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. The Company will provide its customers with "voice grade access" by enabling such customers to make and receive calls on the public switched telephone network.

9. ***Minutes of Use for Local Service at No Additional Charge.*** Budget will provide its Lifeline customers with minutes of use for local service at no additional charge. Both of the Lifeline plans to be offered by Budget (as described more fully in Exhibit A to Budget's Compliance Plan) will provide local usage at no additional charge to customers.

10. ***Access to Emergency Services.*** Budget will provide access to emergency services in conformance with the FCC's requirements. All of the phones that Budget will distribute to subscribers will be capable of delivering automatic numbering information ("ANI") and automatic location information ("ALI"), and otherwise satisfy applicable enhanced-911 requirements.

11. ***Toll Limitation.*** Budget will provide toll limitation services to qualifying low-

income customers.

**E. Certification and Verification Requirements**

12. Budget substitutes the discussion of certification and verification requirements set forth in the attached Compliance Plan for the discussion of such requirements in its Application. As set forth in the Compliance Plan, Budget has developed a detailed compliance policy that includes procedures for initial, as well as on-going, certification and verification of eligibility for participation in the Lifeline program.

**F. Financial and Technical Qualifications.**

13. As part of the Lifeline Reform Order, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.<sup>5</sup> Budget satisfies these criteria.

14. Budget, based in Bossier City, Louisiana, has been in business since 1996. Budget currently derives the majority of its revenue from selling low-cost prepaid telephone services on a nationwide basis to tens of thousands of customers and employs approximately 340 people. Budget will not need to rely exclusively on USF support to provide wireless Lifeline services.

15. Budget owns and operates its own switching facilities in Dallas, Texas and Shreveport, Louisiana. These switching facilities are used to provide access to directory assistance and operator services, both of which are provided by Budget employees. The switching facilities are also used to provide access to some interexchange services (for the

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<sup>5</sup> Lifeline Reform Order at ¶ 387.

routing of certain domestic and all non-domestic calls). In addition, Budget has invested millions of dollars in software development, including its own customized, user friendly point-of-sale software.

16. Budget has not been subject to any enforcement action at the FCC or in any state. No ETC designations held by Budget have been rescinded, revoked or terminated by the FCC or by any state.

**G. Contact Person.**

17. Pursuant to 4 CSR 240-3.570(3)(F), Budget updates its contact person to work with the Commission's Staff to resolve any complaints or other compliance matters:

Ms. Robin Enkey  
Budget PrePay, Inc.  
1325 Barksdale Blvd.  
Bossier City, LA 71111  
Phone: (888) 424-5588  
E-mail: robine@budgetprepay.com

**H. Continued Processing Requested.**

18. In light of this Amendment, Budget respectfully requests continued processing of its pending Application so that the Commission will be in a position to promptly act on the pending Application upon approval of the Company's Compliance Plan by the FCC. The Company, upon designation as an ETC, looks forward to providing essential Lifeline service to eligible low-income customers in Missouri.

WHEREFORE, pursuant to 4 CSR 240-2.080(18) and 4 CSR 240-3.570(3)(F), Budget respectfully updates its contact information and requests that the Commission grant it leave to submit this Amendment to its Application for Designation as a Wireless Eligible Telecommunications Carrier in the State of Missouri.

Respectfully submitted,

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**Certificate of Service**

I hereby certify that on this 16th day of March, 2012 copies of the foregoing have been mailed, transmitted by facsimile, or emailed to all counsel of record.

/s/ Lisa A. Gilbreath  
Attorney for Budget Prepay, Inc.