

**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

APPLICATION OF EVERYCALL COMMUNICATIONS)
D/B/A ALL AMERICAN WIRELESS FOR)
DESIGNATION AS A NON-RURAL WIRELESS)
ELIGIBLE TELECOMMUNICATIONS CARRIER)

Docket No. _____

**APPLICATION OF EVERYCALL COMMUNICATIONS INC. D/B/A
ALL AMERICAN WIRELESS FOR DESIGNATION AS A NON-RURAL WIRELESS
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Comes now EveryCall Communications, Inc. d/b/a All American Wireless ("EveryCall" or the "Applicant"), pursuant to 47 U.S.C. §214(e)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act"),¹ 47 C.F.R. §54.101 - §54.207 of the Rules of the Federal Communications Commission ("FCC"), §392.248, RSMo, and the rules and regulations of the Missouri Public Service Commission (the "Commission"), including 4 CSR 240.060, and hereby submits this Application to the Commission for designation as a wireless Eligible Telecommunications Carrier ("ETC") throughout the non-rural Southwestern Bell Telephone Company, L.P. d/b/a AT&T Missouri ("AT&T") exchanges, and solely for the purpose of receiving federal Universal Service Fund ("USF") low-income support for Lifeline and Link-Up services. As demonstrated herein, EveryCall meets all the statutory and regulatory requirements for designation as a wireless ETC in the State of Missouri and respectfully requests that the Commission grant this Application expeditiously so that EveryCall may begin providing wireless Lifeline and Link-Up service to qualified low-income households at the earliest practicable time.

In support of its Application, EveryCall states as follows:

¹ 47 U.S.C. § 214(e)(2).

A. Background

1. The name, address, telephone number, and contact person of the Applicant is

Kyle Coats
EveryCall Communications, Inc.
4315 Bluebonnet Boulevard, Suite A
Baton Rouge, Louisiana 70809
Telephone: (225) 293-3332

2. EveryCall is incorporated in the State of Louisiana and authorized to transact business in the State of Missouri. See attached **Exhibit A**. EveryCall, whose fictitious name is registered with the Secretary of State of Missouri, does business as All American Wireless. See attached **Exhibit B**.

3. Please direct copies of all correspondence, pleadings, and orders in this proceeding to the following:

Mark P. Johnson MBN 30740
Lisa Gilbreath MBN 62271
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4. EveryCall does not have any pending actions or final unsatisfied judgment or decision against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. No annual report or assessment fees are owed by EveryCall.

5. By this Application, EveryCall is seeking designation as an eligible telecommunications carrier for low-income FUSF support for those areas served by AT&T in Missouri. Those exchanges are listed in attached **Exhibit C**. As EveryCall will utilize a

combination of company-owned and resold facilities to provide wireless service to low-income customers, EveryCall is eligible for such status.

B. Relevant Legal Environment.

6. EveryCall is not seeking high-cost support for its wireless service, therefore certain requirements of the FCC and Missouri regulations concerning ETC applications specific to high-cost support are inapplicable, and EveryCall hereby seeks waiver of those requirements. The requirements whose waiver is sought include 4 CSR 240-3.570(2)(A)1-3 and 47 C.F.R. § 54.202(a)(1) (requiring filings regarding the intended use of high-cost support), 4 CSR 2403.570(2)(C) (plans for handling unusual construction or installation charges), 4 CSR 2403.570(3)(C)(3) (plans for extending the carrier's network). No public utility will be affected by these waivers. The Commission may waive regulations based upon good cause. Good cause exists to waive the stated requirements as EveryCall's application is limited to seeking only federal low-cost USF support.

7. Section 254(e) of the Act, 47 U.S.C. §254(e), provides that "only an eligible telecommunications carrier designated under §214(e) of this title shall be eligible to receive specific federal universal service support." Sections 214(e)(1) and (2) of the Act, 47 U.S.C. §214(e)(1) and (2), require state public utility commissions to designate as an ETC, throughout the service area for which ETC status is sought, any common carrier that (1) offers services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier's facilities, and (2) advertises the availability of such services and the charges using media of general distribution.

1. Eligibility of EveryCall and Identification of the Service Area

8. Section 214(e)(2) of the Act provides that ETC designation shall be made for a

“service area” designated by the state commission. Section 214(e)(5) of the Act provides that the “service area” shall be a “geographic area established by the State commission,” and authorizes state public utility commissions to designate ETC status for federal universal service purposes. The FCC has recognized that common carriers offering wireless services are eligible to be designated as ETCs.² EveryCall is a common carrier as that term is defined in the Act³ and, as such, is eligible for designation as an ETC. Attached hereto as Exhibit C is a list of the service area, consisting of the wire centers of AT&T Missouri, for which EveryCall is seeking ETC authority for its wireless services.

2. Supported Services

9. Section 214(e)(1)(A) of the Act requires that an ETC offer the services that are supported by federal universal service support mechanisms (the “supported services”) either using its own facilities or a combination of its own facilities and resale of another carrier’s services. The supported services are identified in 47 C.F.R. §54.101 and 4 CSR 240-3.570(3)(C). EveryCall will provide each of the supported services throughout the designated area utilizing a combination of EveryCall’s own facilities and resale of wireless services, as indicated below:

(1) Voice-grade access to the public switched telephone network. EveryCall will provide its customers with the ability to make and receive calls on the public switched telephone network.

(2) Local Usage. “‘Local usage’ means an amount of minutes of use of exchange

² *Federal-State Joint Board on Universal Service, Report and Order, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776, 8858-59 (1997) (“First Report and Order”).*

³ 47 U.S.C. § 153(h)(10).

service, prescribed by the FCC, provided free of charge to end users.”⁴ The FCC has interpreted its rule as requiring carriers to offer customers rate plans offering varying amounts of local usage.⁵ Though EveryCall may ultimately decide to expand the number of Lifeline service plan options available to eligible Lifeline customers, EveryCall intends to initially offer qualifying customers an “unlimited talk & text” wireless plan that will provide unlimited local usage, as well as another plan with 100 free minutes of local usage. These plans satisfy the “local usage” requirement.

(3) Dual-tone, multi-frequency (“DTMF”) signaling, or its functional equivalent.

EveryCall satisfies this requirement by providing signaling that is functionally equivalent to DTMF.

(4) Single-party service or its functional equivalent. EveryCall will meet this

requirement by providing a dedicated message path for the length of its subscribers’ calls.

(5) Access to emergency services. “Access to emergency service” includes access to

services, such as 911 and enhanced 911 (“E-911”), provided by local governments or other public safety organizations. All of the phones that EveryCall distributes are capable of delivering automatic numbering information and automatic location information, and otherwise satisfy applicable state and federal E-911 requirements.

(6) Access to operator services. “Access to operator services” means access to

automated or live operator assistance provided to a customer to arrange for billing or completion, or both, of a telephone call. All EveryCall customers will have access to operator services.

(7) Access to interexchange service. With respect to wireless carriers, “access to

⁴ 47 C.F.R. § 54.101(a)(2).

⁵ See *Western Wireless Corp., Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd 48, 52 (2000).

interexchange service” means access to the functional equivalent of the use of the wireline telecommunications loop, as well as that portion of the switch that is paid for by the end user, necessary to access an interexchange carrier’s network. Long distance calls made to anywhere in the United States will be treated by EveryCall the same as local calls.

(8) Access to directory assistance. “Access to directory assistance” means access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings. EveryCall meets this requirement by providing access to directory assistance to customers. EveryCall subscribers will be able to dial 411 or #4007 to reach directory assistance from their mobile phones. EveryCall’s own switches and facilities will be used to provide access to directory assistance.

(9) Toll limitation for qualifying low-income consumers. “Toll limitation” includes the offering of either “toll control” or “toll blocking” to qualifying low-income customers, as a means of limiting or blocking the completion of outgoing toll calls. EveryCall will offer toll limitation service to qualifying low- income customers using its own facilities, as requested.

(10) Access to telecommunications relay services by dialing 711. EveryCall customers requiring access to telecommunication relay services (TRS) may do so by dialing 711. Through EveryCall’s underlying wireless carrier, customers may access TRS twenty-four hours a day, seven days a week. Trained customer service representatives can provide Teletypewriter (TTY) and Speech-to-Speech (STS) services when EveryCall customers are in need of such services.

3. Advertising Supported Services

10. Section 214(e)(1)(B) of the Act and 4 CSR 2-3.570(2)(A)(6) require that an ETC advertise the availability of supported services and the related charges using media of

general distribution. ETCs are also required to publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for such services.⁶ EveryCall will advertise the availability of its wireless Lifeline services, pursuant to Section 214(e)(1)(B) of the Act, throughout its designated non-rural service area using media of general distribution in a manner that is designed to reach those likely to qualify for such services. The methods of advertising utilized may include point of sale material of various kinds, onsite merchandising, banners, customer direct mail, customer brochures, television, and print media. Sample advertising is attached hereto as **Exhibit D**. In addition, EveryCall agrees to comply with all form and content requirements, if any, promulgated by the FCC or the Commission in the future and required of all designated ETCs.

11. As specified in 4 CSR 240-3.570(2)(A)7, EveryCall agrees that it will provide all Lifeline and LinkUp discounts consistent with 47 C.F.R. 54.401, 47 C.F.R. 54.403, and 47 C.F.R. 54.411.

4. Provision of Supported Services Through the Use of Own Facilities and Resale of Another Carrier's Services

12. Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at least in part, over their own facilities.⁷ While 47 C.F.R. §54.201(i) prohibits state public utility commissions from designating as an ETC a telecommunications carrier that offers supported services exclusively through the resale of another carrier's services, the FCC has determined 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

⁶ 47 C.F.R. §§ 54.405(b) and 54.411(d) and 4 CSR 240-3.570(2)(A)(7).

⁷ The FCC has defined the term "facilities" to include "*any physical components* of the telecommunications network that are used in the transmission or routing of the services that are designated for support." 47 C.F.R. § 54.201(e) (Emphasis added).

its own facilities and resale.⁸

Instead, the FCC has required, pursuant to 47 C.F.R. § 54.201(d), that:

[a] common carrier designated as an eligible telecommunications carrier . . . shall, throughout the service area for which the designation is received, . . . [o]ffer the services supported by federal universal service support mechanisms . . . *either* using its own facilities *or* a combination of its own facilities and resale of another carrier's services.⁹ (Emphasis added.)

13. Therefore, when a carrier, like EveryCall, is relying on a “combination” of resold services and those provided using the carrier’s own facilities, a state public utility commission is directed to grant ETC designation “irrespective of the technology”¹⁰ used by the applicant and cannot require the facilities to be in the “relevant service area” so long as the facilities are used “to provide services designated for support . . . within the service area.”¹¹

14. Further, 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 FCC stated in the *First Report and Order* that:

Although the Joint Board did not reach this issue, . . . 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

As long as an ETC offers any portion of the supported services through the use of its “own

⁸ *First Report and Order* at ¶ 169 (Emphasis original).

⁹ 47 C.F.R. § 54.201(d)(1).

¹⁰ 47 C.F.R. § 54.201(h).

¹¹ 47 C.F.R. § 54.201(g).

¹² *First Report and Order* at ¶ 169 (Footnote omitted).

facilities,” whether or not such facilities are located in the designated service area, the ETC will satisfy the “own facilities” requirement and qualify for both Lifeline and Link-Up support.¹³

15. Consistent with the requirements of 47 C.F.R. §54.201(d)(1), EveryCall will rely on a combination of resold services, which EveryCall will obtain through agreements with its underlying wireless provider, and EveryCall-owned facilities consisting of a switch and associated facilities located in Baton Rouge, Louisiana. EveryCall’s own facilities and switches will be used to provide one of the supported services, directory assistance. Through these means, EveryCall is able to offer all of the services and functionalities supported by the FUSF throughout its designated service area.¹⁴ In addition, since EveryCall is a facilities-based carrier that will use its switch and facilities to provide one of the supported services, no FCC Forbearance Order is included with this Petition.

C. Additional Eligibility Criteria

16. The FCC has established additional criteria that Missouri has adopted that all applicants must satisfy in order to be designated as an ETC.¹⁵ If designated as a wireless ETC, EveryCall will meet each of these criteria:

(1) Commitment and ability to provide the supported services throughout the

¹³ It should be noted that the FCC in the *First Report and Order* determined that a strict interpretation of the term “facilities” would violate the FCC’s express policy of competitive neutrality:

We . . . decline to adopt a more restrictive definition of the term ‘facilities,’ as some commenters suggest. For example, we reject the suggestion that we define ‘facilities’ as both loop and switching facilities based on our concern that such a restrictive definition would erect substantial entry barriers for potential competitors seeking to enter local markets and, therefore, would unduly restrict the class of carriers that may be designated as eligible telecommunications carriers. Rather, we conclude that the definition of ‘facilities’ that we adopt will serve the goals of universal service and competitive neutrality to the extent that it does not dictate the specific facilities that a carrier must provide or, by implication, the entry strategy a carrier must use and, therefore, will not unduly restrict the class of carriers that may be designated as eligible.

Id. at ¶ 153 (Footnotes omitted).

¹⁴ See 47 C.F.R. § 54.101(a).

¹⁵ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371 (2005) (“*ETC Order*”).

designated area. 47 C.F.R. §54.202(a)(1) requires an ETC to commit to provide service throughout its designed service area to all customers who make a reasonable request for service.¹⁶ If designated as a wireless ETC, EveryCall will provide service through a combination of its own facilities and the resale of services acquired from a wireless provider through existing negotiated and executed agreements. As the wireless service provider and EveryCall's own switch and facilities are already operational, EveryCall will be able to commence offering its Lifeline and Link-up service programs to all qualified consumers soon after it receives approval from the Commission and upon implementation of necessary procedures and internal systems, such as the distribution of sales materials to authorized agent locations. As a result, EveryCall will be able to meet the requirements of 47 C.F.R. § 54.202(a)(1).

(2) Ability to remain functional in emergency situations. 47 C.F.R. §54.202(a)(2) requires that an ETC provide “[a] demonstration of the carrier’s ability to remain functional in emergency situations . . .” Because EveryCall’s services will be provided at least in part through resale, they will be as reliable and provide all of the back-ups and contingency plans of its underlying wireless service provider, which include back-up battery power at cell sites to ensure functionality in emergency situations. Additionally, EveryCall will have the ability to provide for the rerouting of traffic around damaged facilities, and management of traffic spikes resulting from emergency situations through its wireless service provider and its own facilities.

(3) Commitment to satisfy consumer protection and service quality standards. If

¹⁶ 47 C.F.R. § 54.202(a)(1) also requires the submission of a five-year plan demonstrating how high-cost universal service support will be used to improve the ETC’s coverage, service quality and capacity. This requirement, however, is inapplicable to this application, since EveryCall is not seeking high-cost assistance.

designated as a wireless ETC, EveryCall will satisfy all consumer protection and service quality standards as provided in 47 C.F.R. §54.202(a)(2), as well as any other applicable state-specific consumer protection and service quality standards. EveryCall also will commit that all universal service fund support received by it will be directly reflected in the price that the eligible customer pays. In addition, as required by 47 C.F.R. §54.202(a)(3), EveryCall will certify compliance with the provisions of the Consumer Code for Wireless Service, adopted by the Cellular Telecommunications and Internet Association's ("CTIA"). A copy of the CTIA Consumer Code for Wireless Service is attached as **Exhibit E**. Through the use of resold services and its own facilities, EveryCall will be able to provide the same quality and reliability as that currently provided by any other wireless provider. Although no carrier can guarantee that its customers will never experience service disruptions, EveryCall's contractual arrangements and its own facilities are designed to minimize any failures, provide alternate call routing, and expedite recovery in the event a failure occurs. EveryCall affirms its commitment to continue to satisfy applicable consumer protection¹⁷ and service quality standards if certified as an ETC.

(4) Commitment to offer comparable local usage plan. An ETC is required to demonstrate and commit to offer a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.¹⁸ The FCC has explained that the local usage plans of an ETC applicant should be reviewed on a case-by-case basis¹⁹ in order to ensure that each ETC is providing a local usage component as a part of its universal service offering that meets the FCC's requirements. With respect to wireless service, to date,

¹⁷ 4 CSR 240-3.570(2)(A)8.

¹⁸ 47 C.F.R. § 54.202(a)(4) and 4 CSR 240.3.570(2)(A)(10).

¹⁹ ETC Order at ¶ 33.

the FCC has not quantified an amount of local usage required to be included by an ETC in its universal service offering.²⁰ Though EveryCall may offer additional plans in the future, its initial Lifeline service offering will include an “unlimited talk & text” wireless plan that will provide unlimited local and domestic wireless usage, as well as a plan providing 100 free minutes with rollover of unused minutes on local and domestic toll usage. EveryCall’s local usage plans satisfy the “comparable local usage” requirement.²¹

(5) Acknowledgement of Equal Access. 47 C.F.R. §54.202(a)(5) and 4 CSR 3.570(2)(A)9 require an acknowledgment from a prospective ETC that it may be required to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the designated service area. EveryCall acknowledges that it may be required to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the designated service area.

D. EveryCall’s Designation Will Serve The Public Interest.

17. Although “Congress did not establish specific criteria to be applied under the public interest test,”²² the FCC did establish that “the public interest benefits of a particular ETC designation” should be analyzed in a manner consistent with the Act’s purposes, including the “goals of preserving and advancing universal service, ensuring the availability of quality telecommunications at just, reasonable, and affordable rates, and promoting the deployment of advanced telecommunications and information services to all regions of the nation, including

²⁰ *Id.* at ¶ 32.

²¹ 4 CSR 240-3.570(2)(A)10.

²² *Id.* at ¶ 40. (Footnote omitted.)

rural and high-cost areas.”²³ In addition, the FCC established that “it will consider a variety of factors in the overall ETC determination, including the benefits of increased consumer choice, and the unique advantages and disadvantages of the competitor’s service offering.”²⁴

18. 4 CSR 240-3.570(2)(A)(5) requires a demonstration that the ETC designation would be consistent with public interest, convenience and necessity. EveryCall believes that providing discounted wireless service is consistent with the public interest and that EveryCall’s designation as an ETC is consistent with the public interest, convenience and necessity, providing consumers with increased competitive choice through the offering of a unique service at rates that are just, reasonable and affordable.

19. The Company believes that providing discounted wireless service is consistent with the public interest and provides the following information that clearly demonstrates EveryCall’s inclusion of the wireless service in its designation as an ETC is consistent with the public interest, convenience and necessity, providing consumers with increased competitive choice through the offering of a unique service at rates that are just, reasonable and affordable.

20. The public interest benefits associated with the Company’s wireless service include larger local calling areas (as compared to traditional wireline carriers), and the convenience, security and mobility afforded by mobile telephone service. Further, EveryCall’s offerings provide the opportunity for customers to select from various options ranging from a high value wireless plan that provides unlimited local and domestic long distance and texting to a free plan that includes 100 minutes with rollover of unused minutes. The ability of the customer to select between prepaid offerings that include unlimited local and domestic calling or limited minute plans removes the risk of any customer becoming burdened with large and unexpected

²³ *Id.* (Footnotes omitted.)

²⁴ *Id.* at ¶ 41. (Footnote omitted.)

toll charges and unexpected overage charges. Additionally, wireless service greatly benefits consumers whose lifestyles involve commuting or travel.

21. EveryCall's unique prepaid options are designed to provide consumers who, due to credit or deposit requirements, may not be able to obtain the safety and convenience of telephone service from traditional providers, and an EveryCall customer is never obligated for more than 30 days. Unlike many wireless providers, as indicated above, one of EveryCall's service offerings is a high value wireless service that includes unlimited local and domestic long distance calling, unlimited text messaging, caller ID, call waiting and voicemail, all without the requisite credit check, deposit, and contract requirements of the more traditional wireline and wireless service providers. Through the Linkup program, EveryCall will be able to provide consumers with a reduction in the cost of the fees associated with the connection of service. Because EveryCall's service is provided with no credit check, deposit requirement, minimum service periods, or early termination fees, the service will be an attractive and affordable alternative to qualified low-income consumers without regard to age, residency, or creditworthiness.

22. Wireless ETC designation in Missouri would enable EveryCall to offer appealing and affordable service offerings to low-income Missouri customers to ensure that they are able to afford wireless services on a consistent and uninterrupted basis. Prepaid wireless services have become essential for lower-income customers, providing them with value for their money, access to emergency services on wireless devices, and a reliable means-of contact for prospective employers, social service agencies or dependents. Providing EveryCall with the authority necessary to offer discounted Lifeline services to those most in danger of losing wireless service altogether promotes the public interest.

23. The wireless service offered by EveryCall will provide consumers with a convenient and affordable alternative to traditional telecommunications service that can be used while at home and away from home. Because of these benefits, EveryCall expects that many qualified consumers will select the wireless Lifeline and Linkup service in lieu of the more traditional wireline or wireless service

24. EveryCall will be providing its wireless service on a partly resold basis, so it will not have to undertake the costly and time-consuming task of building its own wireless network. Thus, there is no concern that EveryCall will fail to construct a network in a timely basis.

25. There should be no concern about any adverse impact on the FUSF. As EveryCall is not seeking high-cost benefits, the recently-imposed cap on the high-cost portion of the FUSF is not implicated.

26. To prevent fraud, waste or abuse of the universal service program, EveryCall audits its Linkup and Lifeline submissions to the administrator of the Universal Service Fund, the Universal Service Administrative Company ("USAC"), to circumvent double dipping. To facilitate this monthly audit process, EveryCall has hired industry experts, CGM, Inc., to perform data analysis prior to submission to USAC. EveryCall also voluntarily deactivates for non-usage after 90 days and will not submit these deactivated customers for Lifeline reimbursement.

1. Lifeline Service.

27. EveryCall will offer two wireless prepaid federal USF offerings throughout its designated service area:

(1) Basic Services: Free, with Lifeline subsidy, 100 minutes per month with rollover of unused minutes. Voice or text is available, and one text equals one minutes of usage.

(2) Unlimited Voice and Text: Monthly gross price of \$72.30 includes taxes and regulatory fees. After subtracting the Lifeline subsidy of \$12.30, the Lifeline eligible customer will pay \$60 for this package.

2. Link-Up Service.

28. Assistance under the Link-Up program 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.”²⁵ Consistent with FCC requirements, EveryCall will use Link-Up support to reduce by \$30 the Company’s “customary charge for commencing service” for eligible residents. In addition, EveryCall will waive the remaining balance for customers, making the overall cost to customers for service activation \$0. These measures allow subscribers to obtain service without being required to pay any fee to activate service with EveryCall.

E. EveryCall Will Comply With All ETC Requirements and Conditions Imposed by the Commission on Other Wireless ETCs Offering Similar Plans.

29. 47 C.F.R. §§54.410 and 54.416 require ETCs to comply with the requirements of initial certification of eligibility and the verification of continued eligibility for participation in the Lifeline and Link-Up programs. EveryCall commits that it will certify and verify consumer eligibility in accordance with applicable FCC rules governing both certification and verification of Lifeline and Link-Up eligibility.²⁶ EveryCall has developed a

²⁵ See 47 C.F.R. § 54.411(a)(1). The activation fee for all of Budget’s wireless customers is \$60. Non-Lifeline wireless customers pay \$30 at installation. Lifeline customers receive Link Up support in the amount of \$30. For both non-Lifeline and Lifeline customers, the amount of the balance is credited for continuing service over a twelve (12) month period. At the end of the twelve (12) month period, Lifeline and non-Lifeline customers continue to receive credits for continuing service, which can be used to offset purchases such as additional minutes in the month after they were earned

²⁶ See 47 C.F.R. § 54.409-10; 4 CSR 240-31.050.

detailed compliance policy that includes EveryCall's procedures for initial certification of eligibility and the verification of continued eligibility for participation in these vital low-income programs and will make these materials available to the Commission upon request.

30. Upon designation as a wireless ETC, EveryCall will comply with all provisions of the Commission's ETC rules, regulations and requirements.

31. EveryCall will comply with the provisions of 4 CSR 240-3.570(3)(A)-(B) to the extent those regulations are applicable to the Company. As EveryCall's services are prepaid, EveryCall does not send invoices to its customers. EveryCall will provide customer service contact information online.

32. Pursuant to 4 CSR 240-3.570(3)(D), EveryCall will within thirty days of receiving wireless ETC make an informational filing describing its wireless service offerings.

33. Pursuant to 4 CSR 240-3.570(3)(E), EveryCall shall maintain a record of customer complaints that have been received by the company in a manner that includes, at a minimum: the end-user name; the account number; a description of the complaint; the date the complaint was filed; the resolution; and the amount of refund or credit, if any. EveryCall will also maintain record of complaints from consumers in the Missouri service area in which ETC designation was granted that have been submitted to or filed with the Federal Communications Commission for which the company has knowledge in a manner that includes, at a minimum: a description of the complaint; the date the complaint was filed; the date the complaint was resolved; the resolution of the complaint and the amount of refund or credit, if any.

34. Pursuant to 4 CSR 240-3.570(3)(F), EveryCall will, within ten (10) days of a change in the company-designated contacts, either notify the manager of the

Telecommunications Department, in writing or by electronic mail, or shall update the commission's electronic filing system (EFIS). The notification or update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s). The contact name(s) provided pursuant to this section shall be the individual(s) primarily responsible for: customer service; repair and maintenance; answering complaints; authorizing and/or furnishing refunds to customer; and informational or tariff filing issues.

35. EveryCall will require its 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 EveryCall; (4) do not currently receive Lifeline support; and (5) will notify EveryCall if in the event that they no longer participating in the qualifying program. Verification of continued eligibility is accomplished by contacting a statistically valid sample of Lifeline customers.

36. As EveryCall is not seeking high-cost support from the FUSF, it does not have to file the service quality improvement plans which the Commission has required other ETCs to file.²⁷

X. Financial Information.

37. EveryCall filed for bankruptcy on July 12, 2010 (Case No. 10-10365, Chapter 11 Reorganization, United States Bankruptcy Court, Middle District of Louisiana). The circumstances of that filing arise from a billing dispute EveryCall encountered with AT&T. EveryCall and AT&T could not resolve a long-standing billing dispute that dated back some three years. AT&T had threatened to terminate service to over 30,000 low income customers of

²⁷ See *In the Matter of the Application of VCI Company for Designation as an Eligible Telecommunications Carrier*, Order of February 27, 2007 at Ordered ¶ C.

EveryCall. In order to ensure continued service for these customers, EveryCall sought the protection of the bankruptcy court.

38. EveryCall filed with the bankruptcy court a Plan of Reorganization on July 11, 2011. Significantly, since filing its petition for bankruptcy, EveryCall has had positive cash flow and positive net income (each over \$900,000). EveryCall has paid all post-petition invoices promptly.

39. Provided in **Exhibit F** are EveryCall's post-bankruptcy income statement and balance sheet for the period July 13, 2010 through May 31, 2011. These statements demonstrate that notwithstanding EveryCall's current status, it possesses the financial capacity to provide the services described in this Application in accordance with all applicable Commission and other federal and state requirements.

WHEREFORE, pursuant to Section 214(e)(2) of the Act, EveryCall respectfully requests that the Commission enter an Order designating EveryCall as a wireless ETC for purposes of receiving federal universal service support for Lifeline and Link-Up services, designating the individual wire centers attached as Exhibit C as a service area for purpose of determining universal service obligations and support mechanisms, directing the Executive Secretary to send appropriate notice of this order to the FCC and the Universal Service Administrative Company, and ordering such other relief as may be appropriate.

Respectfully submitted,

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ATTORNEYS FOR EVERYCALL
COMMUNICATIONS, INC.

DECLARATION OF EVERYCALL COMMUNICATIONS, INC.

STATE OF La.)
COUNTY OF EBR.)ss.


I, Kyle Coats, being duly sworn upon oath and of lawful age, depose and say that I am the President of EveryCall Communications, Inc.; that I am authorized to make this verification on its behalf; that I have prepared this Declaration in support of the Application of EveryCall Communications, Inc. for Designation as a Wireless Eligible Telecommunications Carrier; and that the foregoing Application is true and accurate to the best of my knowledge and belief.

EveryCall seeks designation as a wireless ETC for only low-income support from the federal Universal Service Fund ("USF"). EveryCall will offer two wireless prepaid federal USF offerings throughout its designated service area: the Basic Services Plan, and the Unlimited Voice and Text Plan. EveryCall provides the services which meet the requirements for federal ETC designation under Section 214(e).

Further affiant sayeth not.


Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this 18 day of August, 2011.


Notary Public

My Commission Expires:



VICKI MELANCON
NOTARY ID #58384

EXHIBIT A

CERTIFICATE OF GOOD STANDING

State of Missouri



Robin Carnahan
Secretary of State

CERTIFICATE OF AUTHORITY

WHEREAS,

EVERYCALL COMMUNICATIONS, INC.
F00845642

using in Missouri the name

EVERYCALL COMMUNICATIONS, INC.

has complied with the General and Business Corporation Law which governs Foreign Corporations; by filing in the office of the Secretary of State of Missouri authenticated evidence of its incorporation and good standing under the Laws of the State of Louisiana.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, do hereby certify that said corporation is from this date duly authorized to transact business in this State, and is entitled to all rights and privileges granted to Foreign Corporations under the General and Business Corporation Law of Missouri.

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
24th day of September, 2007.

Robin Carnahan

Secretary of State



EXHIBIT B

FICTITIOUS NAME REGISTRATION



State of Missouri
Robin Carnahan, Secretary of State

File Number: 201116781725

X01149720

Date Filed: 06/16/2011

Expiration Date: 06/16/2016

Robin Carnahan

Secretary of State

Registration of Fictitious Name

This fictitious name filing shall expire 5 years from the date filed unless a renewal filing is submitted within 6 months prior to the expiration date.

This information is for the use of the public and gives no protection to the name being registered. There is no provision in this Chapter to keep another person or business entity from adopting and using the same name. (Chapter 417, RSMo)

The undersigned is doing business under the following name, and at the following address:

Business name to be registered: **All American Wireless**
Business address: **4315 Bluebonnet Blvd., Suite A**
City, State and Zip Code: **Baton Rouge LA 70809**

If all parties are jointly and severally liable, percentage of ownership need not be listed.

Name of Owners, Individual or Business Entity	Street and Number	City and State	Zip Code	If listed, Percentage of ownership must equal 100%
EVERYCALL COMMUNICATIONS, INC.	4315 Bluebonnet Blvd., Suite A	Baton Rouge LA	70809	100%

In Affirmation thereof, the facts stated above are true:

(The undersigned understands that false statements made in this filing are subject to the penalties of a false declaration under Section 575.060, RSMo)

Kyle Coats

(Authorized Signature)

President

(Authorized Party Relationship)

EXHIBIT C

EXCHANGES FOR WHICH ETC DESIGNATION IS SOUGHT

ADRIAN
ADVANCE
AGENCY
ALTENBURG-FROHNA
ANTONIA
ARCHIE
ARGYLE
ARMSTRONG
ASH GROVE
BEAUFORT
BELL CITY
BENTON
BILLINGS
BISMARCK
BLOOMFIELD
BLOOMS DALE
BOONE TERRE
BOONVILLE
BOWLING GREEN
BROOKFIELD
CAMDENTON
CAMPBELL
CAPE GIRARDEAU
CARDWELL
CARL JUNCTION
CARROLLTON
CARTHAGE
CARUTHERSVILLE
CEDAR HILL
CENTER
CHAFFEE
CHARLESTON
CHESTERFIELD
CHILLICOTHE
CLARKSVILLE
CLEVER
CLIMAX SPRINGS
CREVE COEUR
DE KALB
DE SOTO
DEERING
DELTA
DEXTER
DOWNING
EAST PRAIRIE
EDINA
ELDON
ELSBERRY
ESSEX
EUREKA

FAYETTE
FENTON
FISK
FLAT RIVER
FRANKFORD
FREDERICKTOWN
FREEBURG FESTUS-
CRYSTAL CITY FULTON
GIDEON
GLASGOW
GRAIN VALLEY
GRAVOIS MILLS
GRAY SUMMIT
GREENWOOD
HANNIBAL
HARVESTER
HAYTI
HERCULANEUM-PEVELY
HIGBEE
HIGH RIDGE
HILLSBORO
HOLCOMB
HORNERSVILLE
IMPERIAL
JACKSON
JASPER
JOPLIN
KENNETT
KIRKSVILLE
KNOB NOSTER
LA MONTE
LAMAR
LANCASTER
LEADWOOD
LILBOURN
LINN
LAKE OZARK-OSAGE BEACH
LOCKWOOD
LOUISIANA
MACKS CREEK
MALDEN
MANCHESTER
MARBLE HILL
MARCELINE
MARIONVILLE
MARSHALL
MARSTON
MAXVILLE
META

MONETT
MONTGOMERY C
MOREHOUSE
NEOSHO
NEVADA
NEW MADRID
MEW FRANKLIN
OAK RIDGE OLD
APPLETON
ORAN
PACIFIC
PATTON
PAYNESVILLE
PERRYVILLE
PIERCE CITY
POCOHONTAS-N
POND
POPLAR BLUFF
PORTAGEVILLE
PORTAGE DES S
PUXICO
OULIN
RICHMOND
RICHWOODS
RISCO
RUSHVILLE
SAN ANTONIO
SCOTT CITY
SEDALIA
SENATH
SIKESTON
SLATER
SMITHVILLE
ST CHARLES
ST CLAIR
ST JOSEPH
ST MARYS
STANBERRY
STE GENEVIEVE
TRENTON
TUSCUMBIA
UNION
VALLEY PARK
VERSAILLES
VIENNA
WALNUT GROVE
WARDELL
WARE
WASHINGTON
WEBB CITY

EXCELSIOR SPRINGS
FARLEY
FARMINGTON

KANSAS CITY METROPOLITAN
EXCHANGE

MEXICO
MOBERLY

SPRINGFIELD METROPOLITAN
EXCHANGE

WELLSVILLE
WESTPHALIA
WYATT

ST LOUIS METRO
EXCHANGE

EXHIBIT D

SAMPLE ADVERTISEMENTS



**ALL AMERICAN WIRELESS
ANNOUNCES**

**FREE
WIRELESS
SERVICE**
with government subsidy

- **FREE Wireless Phones**
- **FREE Monthly Minutes** (100 minutes per month, Rollover)
- **FREE Text Messaging**

You must be on Government subsidy such as food stamps to qualify.

Service provided pursuant to the regulations of the Federal Linkup and Lifeline programs. Customer must qualify for Linkup and Lifeline programs to receive full benefits. Information about the government program is available at www.usac.org. Information about All American Wireless is available at www.allamericanwireless.com

CALL 1-877-974-9000

www.allamericanwireless.com



**ALL AMERICAN
WIRELESS**

EXHIBIT E

CTIA CONSUMER CODE FOR WIRELESS SERVICE

CTIA

Consumer Code *for* Wireless Service

To provide consumers with information to help them make informed choices when selecting wireless service, to help ensure that consumers understand their wireless service and rate plans, and to continue to provide wireless service that meets consumers' needs, the CTIA and the wireless carriers that are signatories below have developed the following Consumer Code. The carriers that are signatories to this Code have voluntarily adopted the principles, disclosures, and practices here for wireless service provided to individual consumers.

THE WIRELESS CARRIERS THAT ARE SIGNATORIES TO THIS CODE WILL:

ONE

DISCLOSE RATES AND TERMS OF SERVICE TO CONSUMERS

For each rate plan offered to new consumers, wireless carriers will make available to consumers in collateral or other disclosures at point of sale and on their web sites, at least the following information, as applicable: (a) the calling area for the plan; (b) the monthly access fee or base charge; (c) the number of airtime minutes included in the plan; (d) any nights and weekend minutes included in the plan or other differing charges for different time periods and the time periods when nights and weekend minutes or other charges apply; (e) the charges for excess or additional minutes; (f) per-minute long distance charges or whether long distance is included in other rates; (g) per-minute roaming or off-network charges; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) whether a fixed-term contract is required and its duration; (k) any activation or initiation fee; and (l) any early termination fee that applies and the trial period during which no early termination fee will apply.

TWO

MAKE AVAILABLE MAPS SHOWING WHERE SERVICE IS GENERALLY AVAILABLE

Wireless carriers will make available at point of sale and on their web sites maps depicting approximate voice service coverage applicable to each of their rate plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage. All such maps will contain an appropriate legend concerning limitations and/or variations in wireless coverage and map

usage, including any geographic limitations on the availability of any services included in the rate plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request and incorporate coverage maps from roaming partners that are generated using similar industry-accepted criteria, or if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

THREE

PROVIDE CONTRACT TERMS TO CUSTOMERS AND CONFIRM CHANGES IN SERVICE

When a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier will provide or confirm the material terms and conditions of service with the subscriber.

FOUR

ALLOW A TRIAL PERIOD FOR NEW SERVICE

When a customer initiates service with a wireless carrier, the customer will be informed of and given a period of not less than 14 days to try out the service. The carrier will not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return and/or exchange policies. Other charges, including airtime usage, may still apply.

FIVE

PROVIDE SPECIFIC DISCLOSURES IN ADVERTISING

In advertising of prices for wireless service or devices, wireless carriers will disclose material charges and conditions related to the advertised prices, including if applicable and to the extent the advertising medium reasonably allows: (a) activation or initiation fees; (b) monthly access fees or base charges; (c) any required contract term; (d) early termination fees; (e) the terms and conditions related to receiving a product or service for "free;" (f) the times of any peak and off-peak calling periods; (g) whether different or additional charges apply for calls outside of the carrier's network or outside of designated calling areas; (h) for any rate plan advertised as "nationwide," (or using similar terms), the carrier will have available substantiation for this claim; (i) whether prices or benefits apply only for a limited time or promotional period and, if so, any different fees or charges to be paid for the remainder of the contract term; (j) whether any additional taxes, fees or surcharges apply; and (k) the amount or range of any such fees or surcharges collected and retained by the carrier.

SIX

SEPARATELY IDENTIFY CARRIER CHARGES FROM TAXES ON BILLING STATEMENTS

On customers' bills, carriers will distinguish (a) monthly charges for service and features, and other charges collected and retained by the carrier, from (b) taxes, fees and other charges collected by the carrier and remitted to federal state or local governments. Carriers will not label cost recovery fees or charges as taxes.

S E V E N

PROVIDE CUSTOMERS THE RIGHT TO TERMINATE SERVICE FOR CHANGES TO CONTRACT TERMS

Carriers will not modify the material terms of their subscribers' contracts in a manner that is materially adverse to subscribers without providing a reasonable advance notice of a proposed modification and allowing subscribers a time period of not less than 14 days to cancel their contracts with no early termination fee.

E I G H T

PROVIDE READY ACCESS TO CUSTOMER SERVICE

Customers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries and on carriers' web sites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

N I N E

PROMPTLY RESPOND TO CONSUMER INQUIRIES AND COMPLAINTS RECEIVED FROM GOVERNMENT AGENCIES

Wireless carriers will respond in writing to state or federal administrative agencies within 30 days of receiving written consumer complaints from any such agency.

T E N

ABIDE BY POLICIES FOR PROTECTION OF CUSTOMER PRIVACY

Each wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online.

EXHIBIT F

POST-BANKRUPTCY INCOME STATEMENT AND BALANCE SHEET

12:44 PM
06/23/11
Accrual Basis

EveryCall Communications, Inc.
Profit & Loss
July 13, 2010 through May 31, 2011

	Jul 13, '10 - May 31, 11
Ordinary Income/Expense	
Income	
Revenue - Sales Commissions	429,575.00
Sales - AAHP	15,697.92
Sales - AAHP - Credit Card	2,152,058.79
Sales - AAHP - GD Money Pak	69,862.14
Sales - AAHP - Money Gram	382,146.80
Sales - AAHP - Money Orders/Cks	909,772.77
Sales - AAHP Agents	429.26
Sales - CABS	20,925.72
Sales - Lifeline	88,248.00
Sales - Linkup	350,670.00
Sales - Local USA	651,175.78
Total Income	5,070,562.18
Cost of Goods Sold	
Cost of Goods Sold	
COGS - Billing Expenses	182,312.75
COGS - CGM/Audit	40,015.02
COGS - Services	2,489,062.48
COGS - Tax Compliance Services	40,798.97
COGS - Taxes	366,168.58
COGS - Third Party Verification	2,774.08
Total Cost of Goods Sold	3,121,131.88
Total COGS	3,121,131.88
Gross Profit	1,949,430.30
Expense	
Advertising and Promotion	-2,451.05
Agent Commission - AAHP	256.00
Agent Commission - Local USA	348.95
Bank Service Charges	13,668.39
Collection Fees	99.27
Computer and Internet Expenses	31,200.28
Credit Card Fees	95,628.15
Dues and Subscriptions	635.00
Equipment Rental	2,720.89
Fees	4,255.00
Indep Contract Labor-Hispanic	208,850.79
Insurance Expense	
Dental	3,266.45
Liability Insurance	243.13
Life & Std. Premium	677.60
Medical	68,517.48
Worker's Compensation	2,278.94
Insurance Expense - Other	-4.10
Total Insurance Expense	74,979.50
Interest Expense	1.88

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Accrual Basis

EveryCall Communications, Inc.
Profit & Loss
July 13, 2010 through May 31, 2011

	<u>Jul 13, '10 - May 31, 11</u>
Licenses and Permits	3,785.00
Miscellaneous Expense	-84.00
Office Expense	1,720.41
Office Supplies	2,937.67
Payroll Expenses	281,744.57
Penalties	62.81
Postage and Delivery	61,342.96
Printing and Reproduction	19.67
Professional Fees	
U.S. Trustee Fees	24,375.00
Accounting	25,624.76
Legal Fees	183,793.65
Total Professional Fees	<u>233,793.41</u>
Rent Expense	
Storage Rental	4,206.57
Rent Expense - Other	13,135.00
Total Rent Expense	<u>17,341.57</u>
Security	180.00
Taxes	
State	3,376.25
Total Taxes	<u>3,376.25</u>
Taxes - Property	622.91
Telephone Expense	4,257.38
Utilities	
Gas & Electric	4,079.21
Water	428.79
Total Utilities	<u>4,508.00</u>
Total Expense	<u>1,045,801.66</u>
Net Ordinary Income	903,628.64
Other Income/Expense	
Other Income	
Interest Income	728.37
Total Other Income	<u>728.37</u>
Net Other Income	<u>728.37</u>
Net Income	<u><u>904,357.01</u></u>

12:45 PM
06/23/11
Accrual Basis

EveryCall Communications, Inc.
Balance Sheet
As of May 31, 2011

	<u>May 31, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
DIP Operating Acct #0092507573	539,535.58
All American - Checking	6,512.75
All American - Refund Checking	978.44
Regions Bank-Georgia Escrow	250,117.88
Regions Bank - CD-LPSC	52,396.71
Regions Bank - CD-TN	21,930.03
Total Checking/Savings	<u>871,471.39</u>
Accounts Receivable	
Accounts Receivable	23,864.88
Total Accounts Receivable	<u>23,864.88</u>
Other Current Assets	
Deposits	353,700.00
Payroll Asset	3,114.00
Total Other Current Assets	<u>356,814.00</u>
Total Current Assets	1,252,150.27
Fixed Assets	
Accumulated Depreciation	-55,542.26
Furniture and Fixtures	5,167.03
Machinery & Equipment	88,071.92
Software	14,531.88
Total Fixed Assets	<u>52,228.57</u>
TOTAL ASSETS	<u><u>1,304,378.84</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable - Trade	59,809.00
Total Accounts Payable	<u>59,809.00</u>
Other Current Liabilities	
Accts Payable - Disputed Amount	1,500,000.00
Payroll Liabilities	3,155.80
Total Other Current Liabilities	<u>1,503,155.80</u>
Total Current Liabilities	1,562,964.80
Long Term Liabilities	
Loan O/S Payable to JHB	24,704.60
Pre-Petition Liabilities	
Priority Debt	91,573.54
Unsecured Debt	<u>124,920.42</u>

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06/23/11
Accrual Basis

EveryCall Communications, Inc.
Balance Sheet
As of May 31, 2011

	<u>May 31, 11</u>
Total Pre-Petition Liabilities	<u>216,493.96</u>
Total Long Term Liabilities	<u>241,198.56</u>
Total Liabilities	1,804,163.36
Equity	
Capital Stock	3,000.00
Retained Earnings	-1,214,191.24
Shareholder Equity	559,196.49
Net Income	<u>152,210.23</u>
Total Equity	<u>-499,784.52</u>
TOTAL LIABILITIES & EQUITY	<u><u>1,304,378.84</u></u>