

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

In the Matter of the Application of YourTel     )  
America, Inc., to Amend its Designation as an     )  
Eligible Telecommunications Carrier in the     )     **File No. RA-2011-0376**  
State of Missouri     )

**STAFF RECOMMENDATION AND REQUEST TO LATE-FILE  
SUCH RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its request, states as follows:

1. On May 17, 2011, YourTel America, Inc. (“YourTel”) filed an application with the Missouri Public Service Commission seeking to expand its designation as an Eligible Telecommunications Carrier (“ETC”) for the purpose of receiving federal universal service fund support for low income customers through Lifeline and LinkUp programs in certain new areas of the State of Missouri. YourTel was originally granted wireline ETC status in April 2003, and was granted wireless ETC status in March, 2009 for 35 exchanges, which it seeks in the present case to expand to statewide. During the time that YourTel has provided service as an ETC, the Staff has not received any information to indicate that the Company has not adhered to all of the requirements and regulations pertaining to that service. YourTel has been audited for compliance with the Commission’s USF regulations by the Staff.

2. In the attached Memorandum, the Staff recommends that the Commission grant the Company’s request. In the Staff’s opinion, the Company has met all the requirements, both state and federal, to extend its designation as an eligible telecommunications carrier for receipt of federal universal service fund low-income

support to the areas listed in its application, including Joplin, which designation was granted on an emergency basis under special circumstances (the extension should be made permanent with no continuing special circumstances aside from those stated in that previous Order. The Company is not delinquent or non-compliant with any of the Commission's reporting or assessment requirements; the Company is a mobile wireless telecommunications provider whose operations are not regulated by the Commission.

3. On June 22, 2011, (corrected June 27), the Commission extended the time in which the Staff must file its recommendation until noon on June 27. It is now after 3:30 on that date. The Staff apologizes for the tardiness and requests that this recommendation be accepted out-of-time.

WHEREFORE, Staff recommends that the Commission extend YourTel's designation as an Eligible Telecommunications Service for the receipt of low-income support (including Lifeline and LinkUp support) from the federal Universal Service Fund as a wireless telecommunications carrier to all those new service areas listed in its application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Senior Counsel  
Missouri Bar No. 31624  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-4255 (Telephone)  
[cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27<sup>th</sup> day of June, 2011.

A handwritten signature in black ink, appearing to be "All the way" or similar, written in a cursive style.

## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. RA-2011-0376  
Company Name: YourTel America, Inc.

From: Dana Parish  
Telecommunications Department

John Van Eschen (06/27/11)      Cully Dale (06/27/11)  
Utility Operations Division      General Counsel's Office

Subject: Staff Recommendation Regarding YourTel America, Inc.'s Application to  
Expand Wireless Lifeline Service

Date: June 27, 2011

On May 17, 2011 YourTel America, Inc. (YourTel) filed an application with the Missouri Public Service Commission (PSC) seeking to expand its wireless Lifeline service to all areas within Missouri. YourTel originally obtained ETC status for a landline Lifeline service in Case No. CO-2003-0094. The company later initiated a wireless Lifeline service in Case No. CO-2009-0257. This pending request seeks to amend and expand the wireless Lifeline service area to include the Incumbent Local Exchange Carriers listed in Exhibit A of the Company's Application. In response to this request the Commission granted expedited approval to provide wireless Lifeline service to the Joplin exchange along with a temporary waiver of Missouri PSC rule 4 CSR 240-3.570(5)(B) provided the company will see a customer's proof of eligibility within six months.

The purpose of this Staff recommendation is to respond to YourTel's request to amend and expand the wireless Lifeline service area to include the Incumbent Local Exchange Carriers listed in Exhibit A of the Company's Application. YourTel proposes to offer a wireless service for qualifying low-income consumers. The proposed service will provide 68 minutes of nationwide calling for free. Any unused minutes roll over and are available for a maximum of 60 days. Each package provides Low Income customers with local, as well as long distance calling and a free handset. Texting is available with rates starting at \$5.00 for 60 minutes/texts and data plans are available with rates starting at \$5.00 for 5 MB. Additional minutes/texts/data plans are available at various prices. The company does not intend to seek Missouri USF funding for this wireless Lifeline service.

ETC application requirements are identified in rules established by the FCC and the Missouri PSC. Attachment A identifies Staff's interpretation of the ETC application requirements for companies only seeking low-income support. In Staff's opinion, YourTel meets all requirements for ETC designation in order to receive low-income

support. Therefore Staff recommends the Commission grant YourTel's request to expand its wireless Lifeline service. In contrast to the special action taken for the Joplin exchange concerning a temporary waiver of Missouri PSC rule 4 CSR 240-3.570(5)(B), this rule should apply to these expanded exchanges.

Attachment A –

YourTel America, Inc.

**Compliance with ETC Application Requirements**  
(Lifeline/LinkUp Assistance)

<b>Requirement (rule citation)</b>		<b>Description</b>	<b>Comply? (Paragraph)</b>
<b>FCC</b>	<b>MoPSC</b>		
54.201	-	Defines ETC as a carrier providing service using at least a portion of its own facilities. <i>(Note: a carrier solely providing service via UNEs is OK but a carrier solely providing service via resale is not.)</i>	<b>Sufficient</b> pg. 12
4.101	3.570 (3)(C)1	Ensures certain service features are provided (touchtone, single-party, access to 911, IX service, relay (711), DA, operators, toll limitation)	<b>Sufficient</b> pg. 8-14
-	3.570 (3)(D)	<i>Wireless providers: Within 30 days of receiving ETC status will make an informational filing describing all service offerings.</i>	<b>Sufficient</b> pg. 15
54.202(a) (1)	-	Commit to provide service throughout proposed service area	<b>Sufficient</b> pg. 11
54.202(a)(1)(B)	-	Commit to provide service in a timely manner.	<b>Sufficient</b> pg. 11
54.202(a)(2)	3.570 (2) (A)4	Commit to remain functional in emergencies.	<b>Sufficient</b> pg. 12
-	3.570 (2)(A)9	Statement it will provide equal access if all other ETCs in that service area relinquish their ETC designations.	<b>Sufficient</b> pg. 13
54.202(a)(3)	3.570 (2)(B)	Commit to satisfy consumer protection & quality of service standards. <i>(Wireless ETCs commit to CTIA code of conduct + attach copy of current CTIA code)</i>	<b>Sufficient</b> pg. 12-13 Exh. E
54.202(a)(4)	3.570 (2)(A)10	Commit to offering a comparable usage plan as ILEC.	<b>Sufficient</b> pg. 11
54.202(c)	3.570 (2)(A)5	Demonstrates granting ETC status is in public interest.	<b>Sufficient</b> pg. 16-17
-	3.570 (3)(A)	Clear bill design.	<b>Sufficient</b> pg. 13

-	3.570 (3)(B)	Customer service contact information online and on billing statements.	<b>Sufficient</b> pg. 13
-	3.570 (3)(E)	Commit to maintain record of customer complaints.	<b>Sufficient</b> pg. 15
54.401(c)	-	Not collect a deposit from a Lifeline subscriber if consumer voluntarily elects toll limitation service.	<b>Sufficient</b> pg. 15
54.401(e)	-	Not charge a Lifeline subscriber a monthly number portability charge.	<b>Sufficient</b> pg. 15
54.403	3.570 (2)(A)7	Discounts consistent with federal plan: Tier 1: \$1.75 (fed discount) Tier 2: \$6.50 (waive subscriber line charge)* Tier 3: \$1.75 (half of a state's or carrier's contribution) - <u>\$3.50 state MoUSE</u> - <b>\$13.50 max.</b> * Limited to ILEC's subscriber line charge amount.	<b>Sufficient</b> pg. 16
54.405 (b)	3.570 (2)(A)6	Publicize Lifeline.	<b>Sufficient</b> pg. 10
54.409 54.410	31.050	FCC rules state ETC must comply with state verification procedures in states that mandate state Lifeline support. MoPSC rules require a company to verify customer's eligibility; develop a process for documentation received; plus verify a customer's continued eligibility.	<b>Sufficient</b> pg. 14 Exh. F
-	3.570 (2)(A)8	Statement will satisfy consumer privacy protection standards.	<b>Sufficient</b> pg. 13
-	3.570 (3)(F)	Notify PSC of any changes to contact info.	<b>Sufficient</b> pg. 14

<b>Compliance with Other Funding/Filing Requirements</b>		
<b>Item</b>	<b>Yes</b>	<b>No</b>
<b>Missouri USF Assessment</b>	<b>x</b>	
<b>PSC Assessment</b>	<b>x</b>	
<b>Relay Missouri</b>	<b>x</b>	
<b>Annual Report</b>	<b>x</b>	

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**AFFIDAVIT OF DANA PARISH**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF COLE     )

Dana Parish of lawful age, on oath states: that she participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was provided to her; that she has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of her knowledge and belief.

  
\_\_\_\_\_  
Dana Parish

Subscribed and sworn to before me this 27<sup>th</sup> day of June, 2011.



  
\_\_\_\_\_  
Notary Public