

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Tempo Telecom, LLC)
for Amendment of Order Granting Designation as an)
Eligible Telecommunications Carrier in the State) **File No. RA-2016-0210**
of Missouri)

ORDER OF CLARIFICATION

Issue Date: March 25, 2016

Effective Date: March 25, 2016

On February 23, 2016, Tempo Telecom, LLC (“Tempo”) requested an amendment to the Missouri Public Service Commission’s prior order designating Tempo as an eligible telecommunications carrier for Lifeline support, so as to confirm that Tempo may use its own enrollment form. The Commission directed notice to all incumbent and competitive local exchange carriers certificated to provide service in Missouri, but no person or entity requested to intervene as a party.

The *Order Granting Application for Designation as an Eligible Telecommunications Carrier* issued by the Commission on October 3, 2013 in File No. TA-2013-0545 included a condition that Tempo “may only use the MoUSF Board-approved form when enrolling Lifeline subscribers in Missouri”. The Commission subsequently promulgated Commission rule 4 CSR 240-31.120(5)(B), which states that “ETCs may use the sample forms or may use their own company-specific Lifeline and Disabled application form (company-specific form)”. Faced with this contradiction, Tempo requests that the Commission clarify the requirement by amending its previous order to remove the condition.

On March 14, 2016, the Commission’s Staff filed a recommendation that the Commission issue an order to clarify that Tempo is no longer restricted and may use a company-specific form. Staff’s opinion is that the condition in the previous order was

superseded when the Commission rule went into effect on April 30, 2014. Staff states that an amendment is not necessary to clarify that Tempo may use its own enrollment form.

The Commission need not hold a hearing if, after proper notice and the opportunity to intervene, no party requests such a hearing.¹ No party has requested a hearing in this matter. More than ten days have elapsed from the filing of Staff's recommendation, and Tempo has not responded or objected to the recommendation.² The Commission concludes that its previous order should be clarified as recommended by Staff.

THE COMMISSION ORDERS THAT:

1. The Commission's *Order Granting Application for Designation as an Eligible Telecommunications Carrier* issued by the Commission on October 3, 2013 in File No. TA-2013-0545 is clarified as set out in the body of this order.

2. This order shall become effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Morris L. Woodruff
Secretary

Michael Bushmann, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of March, 2016.

¹ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

² Commission rule 4 CSR 240-2.080(13) provides that parties are allowed ten days from the date of filing in which to respond to any pleading.