

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

In the Matter of the Application of True     )  
Wireless, LLC For Designation as an     ) Case No. \_\_\_\_\_  
Eligible Telecommunications Carrier     )  
Pursuant to 47 U.S.C. § 214(e)             )

**APPLICATION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

True Wireless, LLC (“True Wireless” or “Company”) hereby submits this Application, pursuant to 47 U.S.C. § 214(e) of the Communications Act of 1934, as amended (the “Act”), and the Missouri Public Service Commission’s (“Commission”) rules and regulations<sup>1</sup> for designation as an Eligible Telecommunications Carrier (“ETC”) throughout the areas served by non-rural carriers, as indicated in Exhibit A, (the “Designated Service Area”) for the purpose of receiving federal Low Income universal service support, *i.e.*, Lifeline and Link Up. As explained herein, the public interest would be served by granting this Application, thereby enabling True Wireless to advance universal service by serving the basic and advanced communications needs of low income consumers. In support of this Application, True Wireless states as follows:

**I. INTRODUCTION**

1. True Wireless is a wireless telecommunications carrier serving the basic telephone needs of consumers. True Wireless is a Texas limited liability company authorized to do business in Missouri, and throughout the requested Designated Service Area. True Wireless provides Commercial Mobile Radio Services (“CMRS”) to qualifying low income consumers in Oklahoma and Texas, and proposes to provide these services in Missouri. A copy of the

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<sup>1</sup> 4 CSR 240-3.570.

Company's Certificate of Formation is attached as Exhibit B. A copy of the Company's certificate of registration as a Missouri foreign limited liability company is attached as Exhibit C.

2. True Wireless' address and telephone number are set forth below:

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3. True Wireless' counsel in this matter is set forth below:

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## **II. TRUE WIRELESS MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION**

4. True Wireless meets the requirements for designation as an ETC as established under federal law and FCC rules 47 U.S.C. § 214(e); 47 C.F.R. § 54.201 and state regulations. In particular, True Wireless:

- is a common carrier (*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- will offer the services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) (*see also* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1));
- will use a combination of its own facilities and resold services to provide the supported services (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1));

- will provide the supported services throughout its designated service area (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2));
- will make available Low Income service to qualifying low income consumers (47 C.F.R. § 54.405); and
- will comply with all applicable ETC rules of the Commission, as provided in 4 CSR 240-3.570, unless otherwise waived by this Commission.

**A. True Wireless Is A Common Carrier**

5. True Wireless provides CMRS throughout its requested Designated Service Area, and as a CMRS provider, True Wireless is regulated as a common carrier (47 C.F.R. § 20.9), subject to all applicable regulations, and therefore meets the ETC requirement of being a common carrier.

**B. True Wireless Offers The Services Supported By Federal Universal Service Support Mechanisms**

6. True Wireless will provide each of the nine services supported by federal universal service support mechanisms upon designation as an ETC as set forth below.

1. Voice Grade Access To The Public Switched Telephone Network - the ability to transmit and receive voice communications with a minimum bandwidth of 300 to 3,500 Hertz (47 C.F.R. § 54.101(a)(1)). True Wireless meets this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.
2. Local Usage – an amount of minutes of use provided free of charge (47 C.F.R. § 54.101(a)(2); 4 CSR 240-3.570(2)(A)(10)). True Wireless meets this requirement by providing three attractive pricing plans for nationwide calling for customers qualifying for Low Income: 68 minutes of nationwide calling free; 350 minutes nationwide for \$40 per month; or unlimited nationwide for \$60 per month. Each package provides Low Income customers with local, as well as long distance, calling at competitive prices. True Wireless will also provide Missouri Universal

Service Fund (“MoUSF”) discounts pursuant to 4 CSR 240-31, if applicable, at rates, terms and conditions comparable to the Lifeline and Link Up offerings and MoUSF offerings of the ILEC providing service in the Designated Service Area in compliance with 4 CSR 240-3.570(2)(A)(10).

3. Dual Tone Multi-Frequency (“DTMF”) Signaling Or Its Functional Equivalent – a method of signaling that facilitates the transportation of call set-up and call detail information (47 C.F.R. § 54.101(a)(3); 4 CSR 240-3.570(3)(C)(1)(A)). The FCC has recognized that, with respect to wireless carriers, it “is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling.”<sup>2</sup> True Wireless meets this requirement by providing out-of-band digital signaling and in-band multi-frequency signaling for call set-up and termination.
4. Single Party Service Or Its Functional Equivalent – a dedicated message path for the length of a user’s particular transmission (47 C.F.R. § 54.101(a)(4); 4 CSR 240-3.570(3)(C)(1)(B)). With respect to wireless carriers, “single-party service” affords a user a dedicated message path for the length of a user’s particular transmission. True Wireless meets this requirement with respect to each of its service offerings.
5. Access To Emergency Services – access to emergency services includes both access to 911 and E911 services to the extent the local government has implemented such services (47 C.F.R. § 54.101(a)(5); 4 CSR 240-3.570(3)(C)(1)(C)). True Wireless meets this requirement by providing access to 911 service and meeting all requests for access to E911 service from local public service answering points (“PSAPs”).
6. Access To Operator Services – access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call (47 C.F.R. § 54.101(a)(6); 4 CSR 240-3.570(3)(C)(1)(H)). True Wireless meets this requirement by providing access via a switch owned by True Wireless, which will route customers to True Wireless’ call center.
7. Access To Interexchange Service – ability to make and receive calls using an interexchange carrier’s network (47 C.F.R. § 54.101(a)(7); 4 CSR 240-3.570(3)(C)(1)(E)). True Wireless meets this requirement by providing its customers with access to the ability to make and receive calls over interexchange network facilities. The FCC has determined that wireless carriers are not required to provide equal access to interexchange service, but may be required to provide equal access in certain special situations.<sup>3</sup>

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<sup>2</sup> *In Re Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, at ¶ 71 (FCC rel. May 8, 1997).

<sup>3</sup> *Id.* at ¶ 78.

8. Access To Directory Assistance – making available to customers, among other services, access to information contained in directory listings (47 C.F.R. § 54.101(a)(8); 4 CSR 240-3.570(3)(C)(1)(G)). True Wireless meets this requirement by providing all of its customers with access to directory listings through use of a pound code. In the next few months, True Wireless customers will have access to directory assistance by dialing 411. True Wireless meets this requirement by providing access via a switch owned by True Wireless, which will route customers to True Wireless’ call center.
9. Toll Limitation For Qualifying Low-Income Consumers – toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control (47 C.F.R. § 54.101(a)(9); 47 C.F.R. § 54.400(d); 4 CSR 240-3.570(3)(C)(1)(I)). True Wireless will offer toll limitation to qualifying low income consumers at no additional charge. True Wireless will shortly have the ability to offer toll blocking and toll limitation through the switch owned by True Wireless.

**C. True Wireless Will Use A Combination of Its Own Facilities and Resold Facilities To Provide The Supported Services**

7. True Wireless provides the supported services using a combination of its own facilities, which include a switch, and resale of another carrier’s services. These facilities are physical components of the telecommunications network that are used in the transmission or routing of the service for which support is requested. Because these facilities include a switch owned by True Wireless and leased or owned communications lines, the method by which True Wireless provisions the supported services is consistent with the FCC’s rules.<sup>4</sup>

**D. True Wireless Will Provide The Supported Services Throughout Its Designated Service Areas**

8. True Wireless commits to provide the supported services throughout its Designated Service Area, consistent with all applicable requirements, including the FCC’s ETC service provisioning requirements found in 47 C.F.R. § 54.202 and the Commission’s rule 4 CSR 240-3.570(3)(C)(3). To the extent a potential customer requests service within True Wireless’

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

Designated Service Area, but outside its existing network coverage, True Wireless will follow the six-step process specified in 47 C.F.R. § 54.202(a)(1)(i) and comply with 4 CSR 240-3.570(3)(C)(3)(B). Specifically, True Wireless will determine if service can be provided at reasonable cost by: (1) modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment.

**E. True Wireless Will Advertise The Availability Of Its Universal Service Offerings And Charges For Such Offerings Using Media Of General Distribution**

9. True Wireless commits to advertise the availability of, and charges for, the supported services using media of general distribution. 4 CSR 240-3.570(2)(A)(6) and (7). This advertising will occur through some combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet. In addition, True Wireless will use appropriate media outlets to advertise its universal service offerings in a manner consistent with applicable requirements.

**F. True Wireless Will Make Available Low Income Service To Qualifying Low-Income Consumers**

10. Upon designation as an ETC, True Wireless will make available to qualified low income consumers a discounted service offering that meets all applicable Low Income requirements, i.e., consistent with 47 CFR 54.401, 47 CFR 54.411 and 4 CSR 240-3.570(2)(A)(7). Consumers increasingly rely on their mobile phones for their communications needs and qualifying low income consumers are no exception. Low-income consumers would be the primary beneficiaries of True Wireless' Low Income service offering. True Wireless plans to

offer three attractive pricing plans for nationwide calling for customers qualifying for Low Income: 68 minutes of nationwide calling free; 350 minutes nationwide for \$40 per month; or unlimited nationwide for \$60 per month. Each package provides Low Income customers with local, as well as long distance, calling at competitive prices.

**G. Satisfaction of Applicable Consumer Protection and Service Quality Standards**

11. True Wireless will comply with all applicable state and federal consumer protection, including the consumer privacy protection standards as provided in 47 CFR 64 Subpart U, and service quality standards. 4 CSR 240-3.570(2)(A)(8) and (2)(B). If designated as an ETC, True Wireless will continue to provide service on a timely basis to requesting customers within the Designated Service Area. Further, True Wireless will abide by the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Code"). True Wireless has already adopted the CTIA Code and is committed to compliance with the CTIA Code throughout its service areas, including in those areas where it is seeking designation as an ETC. A copy of the current CTIA Code is attached hereto as Exhibit D.

**H. True Wireless Satisfies the Additional Missouri Requirements for ETC Designation**

12. In compliance with 4 CSR 240-3.570, True Wireless states as follows:

- **Emergency Functionality.** True Wireless will provide service in a timely manner and will remain functional in emergencies in compliance with 4 CSR 240-3.570(2)(A)(4). Specifically, through the use of its own facilities and leased facilities, True 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;
- **Equal Access.** True Wireless acknowledges that it shall provide equal access pursuant to 4 CSR 240-32.100(3) and (4) to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the Designated Service Area (4 CSR 240-3.570(2)(A)(9));

- **Bill Design.** True Wireless will comply with the specific requirements of the Commission's rules in developing a bill design that can easily be interpreted by True Wireless' customers and which clearly sets forth charges in compliance with state and federal billing requirements (4 CSR 240-3.570(3)(A));
- **Customer Service Info.** True Wireless will provide customer service contact information online and on billing statements (4 CSR 240-3.570(3)(B));
- **711 Relay Access.** True 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 (4 CSR 240-3.570(3)(C)(1)(F));
- **Informational Filing.** True Wireless shall, within 30 days of receiving Commission approval of this application, make an informational filing which describes the terms and conditions of the wireless offerings for which it will seek Low Income support, and that it will amend that filing from time to time, at its service offerings evolve (4 CSR 240-3.570(3)(D));
- **Customer Records.** True Wireless shall maintain a record of customer complaints that have been received by True Wireless 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. True Wireless will also maintain record of complaints from consumers in the Designated Service Area in which ETC designation was granted that have been submitted to or filed with the FCC for which True Wireless has knowledge 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 (4 CSR 240-3.570(3)(E));
- **Notice of Changes.** True Wireless shall, within 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) (4 CSR 240-3.570(3)(F)); and
- **Lifeline Certification.** True Wireless will certify and verify consumer eligibility to participate in the Lifeline and Link Up programs in accordance with the rules of this Commission and the FCC (4 CSR 240-3.570(5)(B)).

### III. Request for Waiver of Certain PSC Rules

13. As True Wireless is not seeking high-cost support for its wireless service, it hereby requests a waiver of the following Commission rules: (i) 4 CS 240-3.570(2)(A)1 through 3 (filing requirements relating to the intended use of high-cost support); (ii) 4 CSR 240-



3.570(2)(C) (plan outlining the method for handling unusual construction or installation charges); (iii) 4 CSR 240-3.570(3)(C)(3) (plans for extending the carrier's network); (iv) 4 CSR 240-3.570(4)(A) 1 through 5 (annual filing requirements regarding high-cost support); and (v) 4 CSR 240-3.570(4)(B) 1 through 4 (filing updates relating to the intended use of high-cost support). True Wireless understands that these rules relate solely to the receipt and expenditure of high-cost funds. Because True Wireless will not apply for or accept federal high-cost funding, it believes, consistent with 4 CSR 240-2.060(4), that these rules are not applicable to True Wireless' application and, therefore, should be waived.

#### **IV. Designation of True Wireless As An ETC Is In The Public Interest**

14. True Wireless meets all of the requirements for designation as an ETC by providing the supported services, committing to serve all consumers throughout its Designated Service Area, offering a Low Income service consistent with all applicable requirements, advertising the availability of its universal service offerings, and furthering the goals of the universal service program. Moreover, designation of True Wireless as an ETC is in the public interest because consumers will benefit from competitive pricing and new services, such as True Wireless' Low Income plan. As True Wireless expands its network in Missouri, consumers will benefit from a high level of service quality and more service options.

15. Access to wireless services is no longer a luxury, but a necessity for many economically disadvantaged Americans. Low income consumers are mobile and transient, often balancing multiple jobs and moving far more frequently than consumers with higher incomes, making wireless telecommunications the only technology that truly suits their needs in most cases. Because low income consumers spend less time during the day at a fixed location, and

even less time at a fixed location with a phone available for their use, access to wireless telecommunications is of crucial importance to low income consumers.

16. True Wireless fulfills a critical role in the marketplace by ensuring that these low income consumers, who cannot afford the services provided by other wireless providers, can still access these important services. True Wireless' designation as an ETC will result in low income consumers having greater access to wireless telecommunications services in Missouri, thereby advancing the basic goal of preserving and advancing universal service.<sup>5</sup> Indeed, True Wireless will pass through to its Low Income eligible customers all the federal Low Income program discounts. Designating True Wireless as an ETC will improve its ability to serve these customers, and thus will serve the public interest consistent with 47 U.S.C. § 254(b)(5).

#### **V. Certification For Use Of Universal Service Funds**

17. True Wireless certifies that it will use federal low income universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, in accordance with 47 U.S.C. § 254(e).

#### **VI. Conclusion**

18. True Wireless respectfully requests designation as an ETC for the Designated Service Area for purposes of receiving federal universal service support.

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<sup>5</sup> See 47 U.S.C. § 254(b).

Dated this 18th day of February, 2011.

Respectfully submitted,

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 18th day of February, 2011, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

/s/ Mark W. Comley

### **List of Exhibits**

Exhibit A – Designated Service Area

Exhibit B – Certificate of Formation

Exhibit C – Missouri Certificate of Registration

Exhibit D – CTIA Code