

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

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

STAFF RECOMMENDATION

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

1. On February 23, 2016, Tempo Telecom, LLC (“Tempo”) requested that the Missouri Public Service Commission amend its Order designating Tempo as an Eligible Telecommunications Carrier (“ETC”) for Lifeline support, to allow Tempo to use its own enrollment form.

2. Tempo was granted that ETC authority in TA-2013-0545, on October 3, 2013. That Order included the condition that Tempo use only a commission-approved enrollment form.

3. In the Staff’s opinion, that condition was wholly superseded by the adoption of new rules on April 30, 2014, which allowed ETCs to use their own, company-specific form. See 4 CSR 240-31.120(5)(B). The Staff is of the opinion that the restriction was superseded as of the date the Rule went into effect. Therefore, an Amendment is not necessary, but an Order clarifying that Tempo is not restricted and may use a company-specific form appears to be the most appropriate way to clarify the matter.

4. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

WHEREFORE, the Staff respectfully recommends the Commission issue an Order to clarify that Tempo is no longer restricted and may use a company-specific form.

Respectfully submitted,



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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 14th day of March, 2016.

