

KRISTINE BECKER  
DIRECT DIAL (816) 292-8874  
kbecker@spencerfane.com

FILED

1812101-14

OCT 17 2000

Missouri Public  
Service Commission

October 16, 2000

**Via FedEx**

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
Governor's Office Building  
200 Madison Street  
Jefferson City, MO 65102

TA-2001-251

**Re: ExOp of Missouri, Inc.'s Application For Designation as Eligible Carrier  
Pursuant to § 254 of the Telecommunications Act of 1996**

Dear Judge Roberts:

I have enclosed for filing an original and eight copies of ExOp of Missouri, Inc.'s Application For Designation as Eligible Carrier Pursuant to § 254 of the Telecommunications Act of 1996. A copy of this pleading has been served on the Office of the Public Counsel. Thank you for bringing this filing to the Commission's attention.

Yours truly,



Kristine Becker

cc: Mr. Thomas W. White

FILED

OCT 17 2000

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Application of )  
ExOp of Missouri, Inc. for Designation as )  
a Telecommunications Company Carrier )  
Eligible for Federal Universal Service )  
Support Pursuant to § 254 of the )  
Telecommunications Act of 1996 )

Case No. TA-2001-251

APPLICATION FOR DESIGNATION AS ELIGIBLE CARRIER  
PURSUANT TO § 254 OF THE TELECOMMUNICATIONS ACT OF 1996

Comes now ExOp of Missouri, Inc. ("ExOp" or "Applicant") pursuant to § 254 of the Telecommunications Act of 1996 (the "Act"), as well as the Federal Communications Commission (the "FCC") regulations found at 47 C.F.R. 54.201, *et seq.*, issued with the May 7, 1997 report and order of the FCC in FCC docket No. 96-45, and hereby requests that the Missouri Public Service Commission (the "Commission") designate it as a telecommunications carrier eligible under the provisions of 47 C.F.R. 54.201(d) to receive federal universal service support. In support of its application, Applicant states as follows:

1. ExOp is a "telecommunications company" as that term is defined by section 386.020(51), RSMo Supp. 1997. ExOp is a competitive local exchange company ("CLEC") certified by the Commission to provide basic local telecommunications service in the state of Missouri in Case No. TA-97-193. ExOp's street address and principal place of business is 303 N. Jefferson St. Kearney, Missouri 64060. ExOp's interconnection agreement with Sprint Missouri, Inc. was approved by this Commission in Case No. TO-98-382. Pursuant to tariffs approved by the Commission, ExOp provides basic local telecommunications service exclusively through the use of its own facilities in the Kearney, Missouri exchange.

2. All correspondence, communications, pleadings, notices, orders and decisions relating to this application should be addressed to: **Pete Mirakian, Spencer Fane Britt & Browne LLP, 1000 Walnut Street, Suite 1400, Kansas City, Missouri 64106.**

3. Section 214(e)(1) of the Act states that a carrier may be designated as an eligible telecommunications carrier and therefore receive universal service support so long as the carrier, throughout its service area:

- (1) Offers the services that are supported by federal universal service support mechanisms under 254(c) of the Act;
- (2) Offers such services using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another eligible telecommunications carrier; and
- (3) Advertises the availability of and charges for such services using media of general distribution.

4. Title 47 of the Code of Federal Regulations § 54.201(b) states that the Commission shall on its own motion or upon request, designate a common carrier as an "eligible telecommunications carrier" so long as the carrier meets the requirements of 47 C.F.R. 54.201(d). ExOp recognizes that universal service support traditionally has been awarded to incumbent local exchange carriers; however, the Commission recently granted eligible telecommunications carrier status to another CLEC in Missouri, Mark Twain Communications Company. *See* Case No. TA-2000-591. As a fully facilities-based CLEC, ExOp embodies the main goals of the universal service provisions of Act by providing advanced telecommunications services to underserved customers

through the exclusive use of its own lines and equipment. Title 47 C.F.R. 54.201(c) further states that a commission shall designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission so long as the additional requesting carrier meets the requirements of § 54.201(d) and the commission finds that the designation is in the public interest.

5. ExOp, through its own facilities, offers all of the services supported by federal universal service support under § 254(c) of the Act. Specifically, ExOp offers the following services:

- a) Voice grade access to the public switched network;
- b) Local usage;
- c) Dual tone multi-frequency signaling or its functional equivalent;
- d) Single-party service or its functional equivalent;
- e) Access to emergency services;
- f) Access to operator services;
- g) Access to interexchange service;
- h) Access to directory assistance; and
- i) Toll limitation for qualifying low-income consumers.<sup>1</sup>

6. ExOp advertises the availability of and charges for such services using media of general distribution within its service area.

---

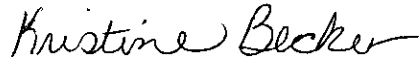
<sup>1</sup> On December 30, 1997, the FCC changed its definition of toll-limitation services in its Fourth Order On Reconsideration of the Universal Service Report and Order, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, ¶ 115 (Dec. 30, 1997). "Toll limitation" is now defined as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, "toll limitation" refers to both toll blocking and toll control. *See also* 47 C.F.R. § 54.400(d). ExOp will offer toll blocking to qualifying low-income customers.

7. Applicant acknowledges that 47 C.F.R. § 54.405 requires all eligible telecommunications carriers to make Lifeline Services (as defined in 47 C.F.R. § 54.401) available to qualifying low-income consumers. Lifeline consists of a retail, local telephone service offering to qualifying low-income customers under which the consumer pays a reduced charge for telephone service. The federal assistance program providing for the 50% waiver of the initial installation charge, up to \$30.00, and the interest free deferred schedule of payment for the remaining installation charge is known as "Link Up." Applicant hereby asserts that it will provide Lifeline and Link Up service to qualifying low-income consumers in its service area in accordance with the Commission's rules.

8. Pursuant to 47 C.F.R. § 54.401(c), the FCC has stated that eligible telecommunications carriers may not collect a service deposit in order to initiate Lifeline service, if the qualifying low-income consumer voluntarily elects toll blocking from the carrier, where available. If toll blocking is unavailable, the carrier may charge a service deposit. If designated as an eligible telecommunications carrier, ExOp will comply with this rule.

WHEREFORE, on the basis of the foregoing, Applicant respectfully requests that the Commission designate it as a telecommunications carrier eligible under the provisions of 47 C.F.R. 54.201(d) to receive federal universal service support and for such other orders as are deemed necessary or convenient in this matter.

Respectfully submitted,



---

Kristine Becker, Mo. Bar # 51702  
Peter Mirakian, III, Mo. Bar # 47841  
SPENCER FANE BRITT & BROWNE LLP  
1000 Walnut Street, Suite 1400  
Kansas City, Missouri 64106-2140  
Tel: (816) 474-8100  
Fax: (816) 474-3216  
[kbecker@spencerfane.com](mailto:kbecker@spencerfane.com)  
[pmirakian@spencerfane.com](mailto:pmirakian@spencerfane.com)

Attorneys for ExOp of Missouri, Inc.