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FILED
January 28, 2008
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January 25, 2008

VIA OVERNIGHT DELIVERY

Ms. Colleen Dale
Chief ALJ and Executive Secretary
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65102

Re: dPi Teleconnect, LLC - ETC Designation

Dear Ms. Dale:

I hereby seek to appear in dPi Teleconnect, LLC's Application for Certification as an Eligible Telecommunications Carrier Within the State of Missouri.

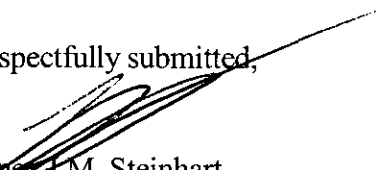
Enclosed please find an original and eight (8) copies of the Acknowledgement Receipt of \$100.00 as required by Rule 6.01(m) for myself from the Clerk of the Supreme Court along with the Application for Certification as an Eligible Telecommunications Carrier Within the State of Missouri.

Please send notification of the filing of this application to lsteinhart@telecomcounsel.com. I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self-addressed, postage prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Please note that this Application is being submitted by myself and Judith A. Rau, Esq., Missouri Counsel, Bar # 24856.

Respectfully submitted,


Lance J.M. Steinhart
GA Bar No. 678222
Attorney for dPi Teleconnect, LLC

Enclosures

cc: David Dorwart
Michael Dandino, Office of Public Counsel
General Counsel, Missouri Public Service Commission



THOMAS F. SIMON
CLERK

CLERK OF THE SUPREME COURT
STATE OF MISSOURI
POST OFFICE BOX 150
JEFFERSON CITY, MISSOURI
65102

TELEPHONE
(573) 751-4144

January 24, 2008

This will hereby acknowledge receipt of \$100 as required by Rule 6.01(m) for Lance J.M. Steinhart appearing in dPi Teleconnect, LLC's Petition for Designation as an Eligible Telecommunications Carrier in the State of Missouri to be filed with the Missouri Public Service Commission.

A handwritten signature in black ink, appearing to read "Thomas F. Simon", with a large, stylized flourish at the end.

Thomas F. Simon, Clerk

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

IN THE MATTER OF THE APPLICATION OF)	
DPI TELECONNECT, LLC)	
FOR CERTIFICATION AS AN ELIGIBLE)	CASE NO.
TELECOMMUNICATIONS CARRIER)	

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

dPi Teleconnect, LLC ("dPi" or the "Company"), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act")¹ and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),² and the rules and regulations of the State Corporation Commission of the State of Missouri (the "Commission"), hereby applies to the Commission for certification as an Eligible Telecommunications Carrier ("ETC") throughout the Southwestern Bell Telephone Company, L.P. d/b/a AT&T Missouri service territories, as set forth in the list of exchanges attached hereto as Exhibit I. (the "Designated Service Area") for the purpose of receiving federal universal service support. The Company is seeking only low income support, and is not requesting high cost support. As demonstrated below, dPi satisfies all of the statutory and regulatory requirements for designation as an ETC in the Designated Service Area. Furthermore, designation of dPi as an ETC in the Designated Service Area will serve the public interest. Accordingly, dPi respectfully requests that the Commission grant this Application.

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101-54.207.

The name and address of Applicant's in-state attorney is:

Judith A. Rau, Esq.
Rau & Rau
119 E. Mill Street
Waterloo, Illinois 62298

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should also be addressed to:

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I. Background

1. dPi is a Delaware limited liability company³ and is authorized to conduct business as a foreign limited liability company in the State of Missouri. Copies of the Company's Articles of Organization and authority to transact business in the State of Missouri are on file with the Commission and incorporated herein by reference. The Company was granted a Certificate to Provide Basic Local and Exchange Access Telecommunications Service in the State of Missouri in Case No. TA-2000-44 by Order effective November 29, 1999. The principal office of the Company is located at 2997 LBJ Freeway, Suite 225, Dallas, TX 75234. The telephone number of the Applicant is 972-488-5500. The Company provides local exchange and exchange access services in the Designated Service Area using a combination of resale and unbundled network elements, or unbundled network equivalents obtained through commercial agreements ("UNEs") that allows end-to-end switching delivery of calls.
2. As set forth in Section 214(e)(2) of the Act, the Commission "shall upon its own motion or upon request designate a common carrier that meets the requirements of [Section 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the State commission."⁴ Upon designation as an ETC, the carrier

³ dPi was organized in the State of Delaware on January 15, 1999

⁴ 47 U.S.C. § 214(e)(2); *see* 47 C.F.R. § 54.201(b) (FCC Rules citing the Act's requirements).

shall be eligible to receive universal support in accordance with Section 254 of the Act.⁵

3. The requirements for designation as an ETC set forth in Section 214(e)(1) are that the carrier must:
 - a) offer the services that are supported by Federal universal support mechanisms under section 254(c), either 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
 - b) advertise the availability of such services and the charges therefore using the media of general distribution.⁶

II. dPi Satisfies the Requirements for Designation as an ETC to Serve the Designated Service Area

1. dPi is a common carrier as that term is defined in the Act.⁷ The Company provides competitive local telecommunications services in the Designated Service Area pursuant to Case No. TA-2000-44 referenced above.
2. dPi offers all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs, or the equivalents thereof, through commercial agreements. According to FCC Rules, facilities obtained as UNEs satisfy the

⁵ 47 U.S.C. § 214(e)(1).

⁶ *Id.*

⁷ See 47 U.S.C. § 153(10) ("the term 'common carrier' or 'carrier' means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy . . .").

requirement that an ETC provide the supported services using either its own facilities or a combination of its own facilities and resale of another carrier's services.⁸ Accordingly, the Company satisfies the requirement set forth in Section 214(e)(1)(A).

3. The services that are supported by Federal universal support mechanisms under section 254(c) are enumerated in the rules of the Federal Communications Commission ("FCC") at 47 C.F.R. § 54.101(a)(1)-(9). These services are:

- a) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz;
- b) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users;

⁸ Section 54.201(f) of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to Part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart." 47 C.F.R. § 54.201(f). The term "facilities" under Section 54.201 is defined as "any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part." 47 C.F.R. § 54.201(e). dPi's use of UNEs, or equivalents thereof, meets this definition of "facilities."

- c) Dual tone multi-frequency signaling or its functional equivalent.
"Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;
- d) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission;
- e) Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911," to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to

emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;

- f) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;
- g) Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network;
- h) Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and
- i) Toll limitation for qualifying low-income consumers.

4. Upon certification as an ETC, dPi will participate in, and offer, LifeLine and Link-Up programs to qualifying low-income consumers and publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules.⁹
5. dPi will advertise the availability of the above-referenced services and the charges for those services in the Designated Service Area using media of general distribution, as required by FCC Rules.¹⁰

III. Area for Which ETC Certification Is Requested

1. dPi has served and will continue to serve the exchanges where it leases UNEs or resells the services of the non-rural telephone companies in the Designated Service Area. dPi does not seek certification as an ETC in any areas served by rural telephone companies.

IV. Granting dPi's Application Will Serve the Public Interest

1. Congress requires that the Commission grant competitive ETC applications in non-rural areas.¹¹ No specific public interest test is mentioned, as is the case for areas served by rural telephone companies.¹² Thus, the Act provides that the Commission "shall" designate dPi as an ETC upon finding that the company meets the nine-point list of services and that it agrees to advertise the supported

⁹ See 47 C.F.R. §§ 54.401-54.417; 54.405(b)& 54.411(d)..

¹⁰ See 47 C.F.R. §§ 54.201(d)(2).

¹¹ See 47 U.S.C. 214(e)(2).

¹² See *Id.*

services throughout the Designated Service Area. Notwithstanding, the designation of dPi as an ETC will serve the public interest.

2. A central purpose of the Telecommunications Act of 1996 was to “promote competition and reduce regulation ... [thereby securing] lower prices and higher quality services ... and encourage the rapid deployment of new telecommunications technologies.”¹³ Designation of dPi as an ETC would further these goals. Granting ETC status to dPi would allow the Company to obtain federal universal service support, which it will use to offer innovative telecommunications services at competitive prices to non-rural consumers in the Designated Service Area.
3. dPi will announce and advertise telecommunications services as an ETC where it provides service in its Designated Service Area in Missouri and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Missouri residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to dPi’s service.
4. dPi will provide universal service as an ETC in all of its Designated Service Area.
5. dPi is willing to accept carrier of last resort obligations throughout the universal service areas in which dPi is designated as an ETC by the Commission.

¹³ The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996).

6. dPi is aware that it may seek USF funding only with respect to those customers that it serves through the use of its own facilities (including UNE-P or equivalent facilities).
7. dPi will provide equal access to long distance carriers, to the extent to which it is able to do so.
8. Under FCC guidelines, an ETC Applicant must submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed Designated Service Area. The only circumstance warranting deviation from this requirement is where an applicant's requested ETC serving territory would qualify it to receive no "high cost" USF support, but only "low income" USF support. Because dPi seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline and Link-Up services to eligible customers, submission of a Five-Year Network Improvement Plan is not required at this time. Since Lifeline support is designed to reduce the monthly cost of telecommunications services for eligible consumers, is distributed on a per-customer basis and is directly reflected in the price that the eligible customer pays, it is assured that all support received by the carrier is used to provide Lifeline services to consumers, thus promoting Lifeline and the availability of telephone service to low income users, which is clearly in the public interest.
9. Applicant offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.

10. Under FCC guidelines, an ETC Applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. 47 CFR §54.202(a)(3); FCC ETC Order at Para 28. Applicant will satisfy all such standards. As part of its certification requirements for providing local exchange services, Applicant must abide by the service quality and consumer protection rules. In addition, Applicant commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's ETC Order. Applicant in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.
11. Under FCC guidelines, an ETC Applicant must demonstrate its ability to remain functional in emergency situations. 47 CFR §54.202(a)(2); FCC ETC Order at Para 25.

Since Applicant is providing service to its customers through the use of ILEC leased facilities, this arrangement allows Applicant to provide to its customers the same ability to remain functional in emergency situations as currently provided by the ILECs to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

12. Under FCC guidelines, an ETC Applicant must commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. FCC ETC Order at Para 22; 47 CFR §54.202(a)(1)(i). Applicant commits to provide service throughout its proposed


ETC-designated service area to all customers making a reasonable request for service.

13. The Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application. No Commission annual reports or assessment fees are overdue.


V. Relief Requested

For the foregoing reasons, dPi respectfully requests that the Commission grant its application and designate the Company as an ETC for the Designated Service Area.

Respectfully submitted,


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GA Bar No. 678222

and


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Waterloo, Illinois 62298
(618) 939-7186
MO Bar No. 24856

Attorneys for Applicant

Exhibit I

List of Exchanges

See Attached

AT&T Service Areas:

<u>Adrian</u>	Gideon	Risco
<u>Advance</u>	Glasgow	Rushville
Agency	Grain Valley	St. Marys
Altenburg-Frohna	Gray Summit	San Antonio
<u>Antonia</u>	<u>Hayti</u>	Scott City
Archie	Herculaneum-Pevely	Senath
Argyle	Higbee	Slater
Armstrong	<u>Hillsboro</u>	<u>Smithville</u>
Ash Grove	Holcomb	<u>Springfield</u>
Beaufort	Hornersville	<u>St. Louis</u>
Bell City	Jasper	<u>Stanberry</u>
Benton	Kansas City	Trenton
Billings	Lamar	Tuscumbia
Bismarck	LaMonte	<u>Versailles</u>
Bloomfield	Lancaster	Vienna
Bloomsdale	Leadwood	Walnut Grove
Bowling Green	Lilbourne	Wardell
Brookfield	Linn	Ware
Campbell	Lockwood	Wellsville
Cardwell	Louisiana	Westphalia
Carl Junction	Macks Creek	Wyatt
Carrollton	Malden	
Caruthersville	Marble Hill	
Center	Marceline	
<u>Chaffee</u>	Marionville	
Charleston	Marston	
Clarksville	Meta	
Clever	Montgomery City	
Climax Springs	Mourehouse	
Deering	<u>New Franklin</u>	
DeKalb	New Madrid	
Delta	Oak Ridge	
Downing	Old Appleton	
East Prairie	Oran	

**Edina
Elsberry**

**Essex
Farley
Fayette
Fisk
Frankford
Freeburg**

**Patton
Paynesville**

**Pierce City
Pocohontas-New Wells
Portage Des Sioux
Portageville
Puxico
Qulin
Richwoods**

AT&T Service Areas (Continued):

Bonne Terre	Perryville
Boonville	Pond
Camdenton	Poplar Bluff
Cape Girardeau	Richmond
Carthage	St. Charles
Cedar Hill	St. Clair
Chesterfield	St. Joseph
Chillicothe	Sedalia
DeSoto	Sikeston
Dexter	Union
Eldon	Valley Park
Eureka	Washington
Excelsior Springs	Webb City
Farmington	
Fenton	
Festus-Crystal City	
Flat River	
<u>Fredericktown</u>	
Fulton	
Gravois Mills	
Greenwood	
Hannibal	
Harvester	
High Ridge	
Imperial	
Jackson	
Joplin	
Kennett	
Kirksville	
Knob Noster	
Lake Ozark-Osage Beach	
Manchester	
Marshall	
Maxville	
Mexico	
Monett	
Moberly	
Neosho	
Nevada	
Pacific	

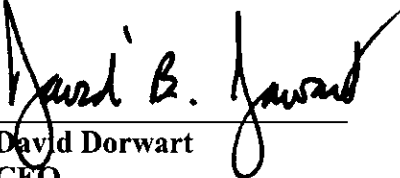
State of Texas

County of Dallas

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VERIFICATION

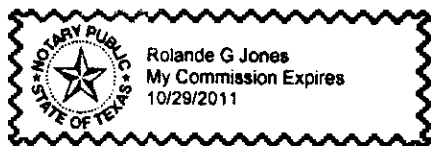
I, David Dorwart, being duly sworn, declare that I am the CEO of dPi Teleconnect, LLC, the Applicant. I verify that, based upon information and belief, I have knowledge of the statements in the foregoing Application, and I declare that they are true and correct.


David Dorwart
CEO

Sworn to before me, the undersigned Notary Public on this
15 day of January, 2008.

Notary Public





ROLANDE G JONES
Print or Type Name

My commission expires:

10-29-2011

MO - ETC

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Application upon the following parties, listed below, in accordance with Commission rules.

Dated this 25 day of May, 2008.



Lance J. McSteinhart
Georgia Bar No. 678222

Counsel for

dPi Teleconnect, LLC

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