

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**March 30, 2010**

**IN RE:**

**EVERYCALL COMMUNICATIONS, INC. D/B/A  
LOCAL USA D/B/A ALL AMERICAN HOME PHONE  
APPLICATION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

**DOCKET NO.  
09-00003**

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**ORDER DENYING DESIGNATION OF EVERYCALL COMMUNICATIONS, INC.  
D/B/A LOCAL USA D/B/A ALL AMERICAN HOME PHONE  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

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This matter came before Director Mary W. Freeman, Director Eddie Roberson and Director Kenneth C. Hill of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at the regularly scheduled Authority Conference held on February 22, 2010, for consideration of the *Application for Designation as an Eligible Telecommunications Carrier* ("Application") filed by Everycall Communications, Inc. d/b/a Local USA d/b/a All American Home Phone ("Everycall" or "Applicant") on January 13, 2009.

To be designated as an eligible telecommunications carrier ("ETC"), a carrier is required to demonstrate that the designation is in the public interest. An Applicant must show that it is authorized to offer telecommunications services in the area for which it is seeking ETC status. Additionally, the Applicant is required to provide services supported by the federal universal service support mechanisms and to advertise the charges and availability of such services. The Applicant must use its own facilities or a combination of its own facilities

and resale of another carrier's services to provide telecommunications services. The Applicant is required to make Lifeline service available to qualifying low-income consumers and to advertise such availability of the service in a manner reasonably designed to reach those likely to qualify for the service. Furthermore, the Applicant must use federal universal support only for the provision, maintenance and upgrading of facilities and services for which the support is intended.<sup>1</sup> Carriers designated as an ETC for low-income only consumers must use federal funds or discounts for Lifeline services.

During the regularly scheduled Authority Conference held on February 22, 2010, the panel made the following findings based upon the entire record. First, the panel found that Everycall did not sufficiently demonstrate that it will advertise the availability of the services supported by the federal universal service support mechanisms in areas where it is currently providing service in Tennessee. Second, it found that Everycall did not have an approved interconnection agreement in Tennessee that provided for Everycall's purchase of unbundled network elements. Third, the panel found inconsistencies in Everycall's proposed tariff and in its data responses filed on October 5, 2009 concerning Everycall's charges for service connection and basic monthly service. Finally, the panel noted that Everycall initially stated in its *Application* that it would be willing to accept responsibility as a carrier of last resort if it were designated as an ETC but in subsequent filings indicated that it was not willing to accept such obligations. Thereafter, the panel voted unanimously to deny Everycall's *Application*

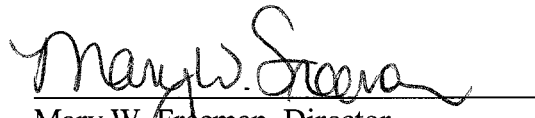
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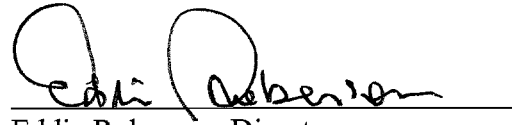
<sup>1</sup> See 47 U.S.C. § 214 (e)(2) (2005); 47 C.F.R. § 54.201 through 54.207. The Authority has addressed these standards in *In re: Universal Service Generic Contested Case*, Docket No. 97-00888, *Order Establishing Procedures for Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(2) of the Telecommunications Act of 1996 and FCC Order 97-157*, pp. 1-5 (November 3, 1997). Further, the Authority has applied the standards in various dockets, including *In re: Petition of Cinergy Communications Company for Designation as an Eligible Telecommunications Carrier*, Docket No. 06-00033, *Order Designating Eligible Telecommunications Carrier* (March 30, 2006). Finally, it should be noted that the Authority opened a rulemaking in Docket No. 05-00284 for ETC designation, reporting and Lifeline service. However, the rules are pending approval of the Attorney General's office. Therefore, the rules are not effective and were not applied in this docket.

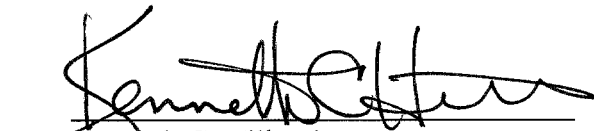
without prejudice and to instruct Everycall that it may re-file its *Application* when it is willing and able to meet all guidelines and requirements encompassed within the appropriate federal regulations.

**IT IS THEREFORE ORDERED THAT:**

The *Application for Designation as an Eligible Telecommunications Carrier* filed by Everycall Communications, Inc. d/b/a Local USA d/b/a All American Home is denied.

  
Mary W. Freeman, Director

  
Eddie Roberson, Director

  
Kenneth C. Hill, Director