

BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

| | | |
|---|---|---------------------|
| In the Matter of |) | |
| |) | |
| Application of Telrite Corporation d/b/a Life |) | Docket No. TC13-022 |
| Wireless for Designation as an Eligible |) | |
| Telecommunications Carrier in the State of |) | |
| South Dakota for the Limited Purpose of Offering |) | |
| Wireless Lifeline Service to Qualified Households |) | |
| (Low Income Only) |) | |

**SECOND SUPPLEMENT TO APPLICATION OF TELRITE CORPORATE D/B/A LIFE
WIRELESS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER IN THE STATE OF SOUTH DAKOTA FOR THE LIMITED PURPOSE OF
OFFERING WIRELESS SERVICE TO QUALIFIED HOUSEHOLDS**

Telrite Corporation d/b/a Life Wireless (“Telrite” or the “Company”) submits this supplemental filing to provide additional information regarding its operations in other states, and supporting its request for designation as an eligible telecommunications carrier (“ETC”). The additional information set forth below is incorporated by reference into and further supports the application filed in this docket on January 18, 2013 and supplemented on July 5, 2013.

On September 15, 2013, the Vermont Public Service Commission approved Telrite as an ETC in the State of Vermont.

On September 17, 2013 the Nebraska Public Service Commission (“Nebraska PSC”) issued an Order revoking the ETC designation of Telrite in the State of Nebraska. In response, on October 1, 2013, Telrite filed an appeal with the goal of enabling the company to resume its efforts to provide critically important wireless telecommunications services to low-income Nebraska families through the federal Lifeline program. Telrite submits the following with regard to the Nebraska revocation for the record:

When Telrite began enrolling Nebraska customers in July, an internal miscommunication led Company representatives to screen potential customers using FCC-approved procedures instead of Nebraska state-specific forms and practices. As soon as the Company was made aware of this issue, all enrollments in the state ceased. These Nebraska-specific issues are not implicated in South Dakota because South Dakota does utilize federal enrollment procedures.

Immediately following notification of the situation, all Nebraska residents that had been enrolled by Telrite were re-checked and found to be eligible under federal Lifeline program rules and regulations.

While Telrite owns-up to the Company's mistake of using federal forms and procedure rather than Nebraska-specific forms and procedure, the Company has offered to rectify its error by re-enrolling Nebraska customers using appropriate forms and procedures in submitting those customers through Nebraska's NTAP process for approval. Telrite has a record of compliance that supports its commitment and ability to make good on its commitment.

Telrite's appeal is based on the Nebraska PSC's failure to follow Nebraska state law. State commissions must follow their own rules and act within their state statutory authority. By revoking Telrite's ETC designation, the Nebraska PSC exceeded its authority under the Nebraska Universal Service Fund Act.

Further, the Nebraska PSC failed to follow its own rules when it issued the Show Cause Order and then revoked Telrite's ETC designation. Nebraska Universal Service Fund Rules and Regulations clearly specify that a company may be subject to civil penalties for non-compliance with the Nebraska statutes or rules. Further, pursuant to the Rules and Regulations, the Nebraska PSC may only issue a Show Cause Order and then revoke an authorization where a company (a) refuses or fails to pay a civil penalty, or (b) repeatedly violates the rules. Telrite did neither. As

soon as Telrite was made aware of the issues at its enrollment events (within four days of the first event), it stopped all enrollments in the state and committed to not resuming until all of the issues raised by the PSC had been resolved.

On September 26, 2013, the Pennsylvania Public Utilities Commission approved Telrite as an ETC in Pennsylvania.

As of the date of this filing, Telrite has been approved in thirty (30) states nationwide. Telrite is committed to compliance with all rules and regulations in each state and, specifically South Dakota requirements.

Telrite will provide to this Commission any update(s) to the Nebraska proceedings, and will answer any questions in order to keep the Commission apprised of the situation in the State of Nebraska.

Respectfully Submitted,

By:  _____

J. Andrew Gipson
Margarett A. Johnson
Jones Walker, LLP
190 E. Capitol Street, Suite 800 (39201)
P. O. Box 427
Jackson, Mississippi 39205-0427
Telephone: (601) 949-4900
Facsimile: (601) 949-4804
E-mail: agipson@joneswalker.com
mjohnson@joneswalker.com

*Attorneys for Telrite Corporation d/b/a Life
Wireless*

CERTIFICATE OF SERVICE

I hereby certify that an original of the Second Supplement to Application for Designation as an Eligible Telecommunications Carrier in the State of South Dakota for the Limited Purpose of Offering Wireless lifeline Service to Qualified Household (low Income Only), dated October 4, 2013, filed in PUC Docket TC-13022 was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
patty.vangerpen@state.sd.us

A copy was also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

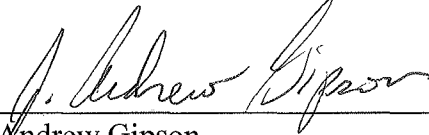
Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Kristen.edwards@state.sd.us
(605) 773-3201 – voice
(866) 757-6031 – fax

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
darren.kearney@state.sd.us
(605) 773-3201 – voice
(866) 757-6031 – fax

Mr. Richard D. Coit, General Counsel
South Dakota Telecommunications Association
P O Box 57
320 East Capitol Avenue
Pierre, SD 57501-0057
richcoit@sdtsonline.com
(605) 224-7629 - voice
(605) 224-1637 - fax

Mr. Brian Lisle
President
Telrite Corporation
1480 Terrell Mill Road, SE
Marietta, Georgia 30067
brian.lisle@telrite.com
(678) 202-0812 – voice

Dated this 4th day of October, 2013.



J. Andrew Gipson
Margarett A. Johnson
Jones Walker, LLP
190 E. Capitol Street, Suite 800 (39201)
P. O. Box 427
Jackson, Mississippi 39205-0427
Telephone: (601) 949-4900
Facsimile: (601) 949-4804
E-mail: agipson@joneswalker.com
mjohnson@joneswalker.com

*Attorneys for Telrite Corporation d/b/a Life
Wireless*