

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service Commission held at its office in Jefferson City on the 12<sup>th</sup> day of June, 2019.

In the Matter of the Request for Approval of Rates of Missouri Network Alliance d/b/a Bluebird Network )  
) **File No. TR-2019-0348**  
)

**ORDER DISMISSING REQUEST**

Issue Date: June 12, 2019

Effective Date: July 12, 2019

Missouri Network Alliance, LLC d/b/a Bluebird Network (Bluebird) submitted a cover letter dated April 30, 2019, along with a list of rates. The letter explains that Bluebird offers telecommunications services to health care providers in predominantly rural areas of Missouri under the federal Rural Health Care Telecommunications Program. It cites a Federal Communications Commission (FCC) regulation – 47 C.F.R. 54.607(b) – that requires Bluebird to submit its interstate rates for such telecommunications services to the applicable state commission for approval. As required by the federal regulation, Bluebird submitted a confidential justification purporting to demonstrate that each rate is appropriate.

After receiving the letter, the Commission filed it in EFIS on May 10, thereby creating this case. On that date, the Commission directed its Staff to file a recommendation, which Staff did on May 16.

Staff explains that despite the provisions of the FCC regulation, this Commission has no authority to establish rates for Bluebird. Further, Staff indicates Bluebird intends to provide only broadband services to healthcare providers. Such broadband services are

specifically exempt from Commission authority under 392.611.2, RSMo, 2016. Staff advises the Commission to dismiss Bluebird's request as being beyond the Commission's jurisdiction. Staff also notes that Bluebird has not notified the Commission of its name change from Missouri Network Alliance, LLC to Missouri Network Alliance, LLC d/b/a Bluebird Network. Staff asks the Commission to order Bluebird to comply with the provisions of 4 CSR 240-28.011.2 by filing the required information in a separate case.

More than ten days have passed since Staff filed its recommendation and no one has responded to that recommendation.<sup>1</sup>

The Commission agrees with Staff that the Commission does not have statutory authority to establish the rates that Bluebird may charge its customers. Further, the Commission notes that the letter submitted by Bluebird is not signed by a Missouri attorney and therefore is not a pleading upon which the Commission can grant relief.<sup>2</sup> For those reasons, Bluebird's request to establish rates will be dismissed.

#### **THE COMMISSION ORDERS THAT:**

1. Missouri Network Alliance, LLC d/b/a Bluebird Network's request to establish rates is dismissed.
2. Missouri Network Alliance, LLC shall file notice of its change of name to Missouri Network Alliance, LLC d/b/a Bluebird Network as required by Commission rule 4 CSR 240-28.011(2).

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<sup>1</sup> Commission Rule 4 CSR 240-2.080(13) allows parties ten days in which to respond to any pleading unless a different time is ordered by the Commission.

<sup>2</sup> Commission Rule 4 CSR 240-2.080(1).

3. This order shall be effective July 12, 2019.



**BY THE COMMISSION**

*Morris L. Woodruff*

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and  
Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge