

January 21, 2014

VIA HAND DELIVERY

Utah Public Service Commissioners
Heber M. Wells Building
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

**Re: Supplemental Exhibit 2 to Petition of Tempo Telecom, LLC for
Designation as an Eligible Telecommunications Carrier
in the State of Utah
Docket No. 13-2569-01**

Dear Commissioners:

On January 17, 2014, the Division of Public Utilities (the "Division") filed a Memorandum in the above referenced docket, withdrawing its previous recommendation, dated January 6, 2014, that the Commission suspend the schedule. Instead, the Division's second Memorandum recommends that the Commission move forward to set this matter for a scheduling conference. Tempo Telecom, LLC ("Tempo") agrees with the Division's second recommendation.

Tempo notes that the Division's second recommendation is based in part on a letter dated January 9, 2014, from Tempo to the FCC (the "January 9 Letter"), in which Tempo confirmed that its approved Compliance Plan is applicable to all jurisdictions in which Tempo seeks designation as an eligible telecommunications carrier ("ETC").

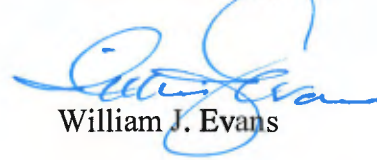
In order to ensure that the record is complete in this docket, Tempo hereby submits for filing with the Commission as **Supplemental Exhibit 2** to Tempo's Petition, six true and correct copies of the January 9 Letter.

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Heber M. Wells Building
January 21, 2014
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If you have any questions about this filing, please contact me.

Very truly yours,

PARSONS BEHLE & LATIMER



William J. Evans

WJE/cvd
Enclosure
cc: Service List in Docket 13-2569-01

**SUPPLEMENTAL
EXHIBIT 2**

(Docket No. 13-2569-01)

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January 9, 2014

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket Nos. 09-197, 11-42
Tempo Telecom, LLC

Dear Secretary Dortch:

Tempo Telecom, LLC ("Tempo"), by its attorneys, submits this letter to confirm that Tempo's Compliance Plan is intended to apply to all jurisdictions in which Tempo seeks designation as an eligible telecommunications carrier ("ETC"). Some state commissions have raised questions regarding the applicability of the Compliance Plan in particular states or whether the Compliance Plan must be specifically approved for use in certain states.

Tempo hereby confirms that the Compliance Plan attached hereto, which was approved by the Commission on August 8, 2012,¹ applies to all jurisdictions in which Tempo seeks ETC designation. This is consistent with the statement in the Public Notice approving Tempo's Compliance Plan stating that "ETCs must comply with the compliance plan approved herein in each state or territory where they are designated as an ETC, regardless of their claim of facilities for other purposes, such as eligibility for state universal service funding."²

¹ WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, Public Notice, DA 12-1286 (rel. Aug. 8, 2012) ("Approval Public Notice"). Via letter dated September 17, 2013, Tempo notified the Commission that Tempo will comply with and adopt as its own the Compliance Plan filed by Birch Communications, Inc. ("Birch") and approved by the Commission on August 8, 2012. The Commission previously had recognized Tempo's adoption of the Compliance Plan under Tempo's former name, Now Communications, LLC. See *Wireline Competition Bureau Seeks Comment on Petitions for Designation as a Low-Income Eligible Telecommunications Carrier filed by Now Comm, Zing PCS, LTS, Odin Wireless, and TX Mobile*, 27 FCC Rcd 15937 (2012) ("The Wireline Competition Bureau has approved Birch's compliance plan, which will also apply to Now Comm.").

² Approval Public Notice at n.4; see also *Lifeline and Link Up Reform and Modernization, et al.*, 27 FCC Rcd 6656, ¶ 380 (2012) ("No designations shall be granted for any pending or new Lifeline-only ETC applications filed with the states or the Commission after December 29, 2011, for carriers that do not meet the 'own-facilities' requirement contained in section 214(e)(1)(A), and such carriers shall not receive reimbursement from the program, until the Bureau approves their compliance plans.") (emphasis added).

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A copy of Tempo's FCC-approved Compliance Plan is attached. Please contact the undersigned if you have any questions regarding this matter.

Respectfully submitted,

A handwritten signature in cursive script, reading "Angela Collins".

Angela F. Collins
Counsel to Tempo Telecom, LLC

Attachment

Tempo Telecom
CERTIFICATE OF SERVICE
(Docket No. 13-2569-01)

I HEREBY CERTIFY that on the 21st day of January, 2014, a true and correct copy of the foregoing Supplemental Exhibit 2 in the above-referenced docket was electronically served upon the following:

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/s/ Colette V. Dubois