

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Northeast Missouri Rural Telephone)
Company d/b/a NEMR Telecom for Expansion of Its)
Designation As an Eligible Telecommunications) Case No. IA-2021-0221
Carrier For Purposes of Receiving Rural Digital)
Opportunity Fund Support.)

**AMENDED APPLICATION OF NORTHEAST MISSOURI
RURAL TELEPHONE COMPANY d/b/a NEMR TELECOM
FOR EXPANSION OF ITS DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER FOR PURPOSES OF RECEIVING RURAL
DIGITAL OPPORTUNITY FUND AND
MOTIONS FOR EXPEDITED TREATMENT AND WAIVER**

COMES NOW Northeast Missouri Rural Telephone Company d/b/a NEMR Telecom (“Applicant” or “NEMR”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (“Act”); 47 CFR Sections 54.201 and 54.202; 20 CSR 4240-2.060; and 20 CSR 4240-31.016, and for its Amended Application for expansion of its designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of receiving Rural Digital Opportunity Fund (RDOF) support and motions for expedited treatment and waiver pursuant to 20 CSR 4240-2.080(14) and 20 CSR 4240-4.017(1)(D), states to the Missouri Public Service Commission (“Commission”) as follows:

INTRODUCTION AND SUMMARY

1. Applicant is a Missouri corporation in good standing with its street address and principal place of business at 718 S. West Street, Green City, Missouri 63545. A copy of Applicant’s Certificate of Good Standing issued by the Missouri Secretary of State is attached as Exhibit 1. Applicant does business under the fictitious name NEMR Telecom.¹ Applicant is an

¹ Case Nos. IN-2021-0181, XN-2021-0182, CN-2021-0183, and DN-2021-0184, In the Matter of Northeast Missouri Rural Telephone Company’s Name Change to Northeast Missouri Rural Telephone Company d/b/a NEMR Telecom, Orders issued January 7, 2021.

Incumbent Exchange Carrier (“ILEC”) certificated by the Commission to provide telecommunications service in the State of Missouri.² Applicant has also been designated by the Commission as an Eligible Telecommunications Carrier (“ETC”) for purposes of receiving Federal Universal Service Fund (“USF”) support in its certificated Missouri service area.³

2. On January 30, 2020, the Federal Communications Commission (“FCC”) issued its Report & Order in WC Docket Nos. 19-126 and 10-90 adopting the framework for the Rural Digital Opportunity Fund (RDOF). Through a two-phase reverse auction mechanism, the FCC will direct up to \$20.4 billion over ten years to finance up to gigabit speed broadband networks in unserved rural areas, connecting millions more American homes and businesses to digital opportunity. The first phase of the RDOF targets census blocks that are wholly unserved with fixed broadband at speeds of at least 25/3 Mbps. This first phase will make available up to \$16 billion to census blocks where existing data shows there is no such service available. On December 7, 2020, the FCC issued its Public Notice closing the auction and announcing the winning bidders.⁴ Applicant was chosen by the FCC as a winning bidder for the census block group listed on Exhibit 2 attached to this Application.

3. By this Application, Applicant seeks expansion of its ETC designation to include the census block groups for which it has been awarded RDOF support and which are set forth in Exhibit 2 to this Application.

² Case Nos. TA-88-53, TM-95-142 and TM-2002-465.

³ *Order Approving Stipulation and Designation of Eligible Telecommunications Carriers* (issued December 4, 1997), Case No. TO-98-49.

⁴ Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; AU Docket No. 20-34, WC Docket 19-126, WC Docket No. 10-90.

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

Michele Gillespie
Northeast Missouri Rural
Telephone Company
718 S. West Street
Green City, MO 63545
mvan@nemr.net

W.R. England, III/Brian T. McCartney
Brydon, Swearengen & England P.C.
P.O. Box 456
312 East Capital Avenue
Jefferson City, MO 65102-0456
trip@brydonlaw.com
bmccartney@brydonlaw.com

5. As an RDOF Auction winning bidder, Applicant will receive \$60,126.00 of RDOF support over a ten (10) year period which will allow it to expand its network to provide voice and broadband services to approximately seven (7) customer locations in the census block group listed in Exhibit 2.

6. Applicant plans to use its own facilities to provide voice and broadband services to the census block groups for which it is receiving RDOF support. More specifically, Applicant plans to provide voice and gigabit internet service to this census block group with fiber-to-the-premise technology. This census block group adjoins Applicant's Novinger exchange which has had fiber-to-the-premise since 2013.

7. As will also be shown below, Applicant meets all statutory and regulatory requirements for expansion of its ETC designation. A grant of this application will advance the public interest by meeting the goals of the FCC's RDOF program to deploy voice and broadband networks in areas where access to broadband at speeds of 25/3 Mbps is lacking.

8. Applicant has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which has occurred within the past three (3) years. Nor does Applicant have any Missouri annual reports or assessment fees that are overdue.

9. Applicant is not delinquent in the filing of any annual report or the payment of any assessment fees.

SERVICES OFFERED

10. Applicant will offer the services that are supported by federal universal support mechanisms under 47 CFR Section 54.101, including voice telephony services, access to emergency services (e.g., 911 and E911) and toll limitation services to qualifying low-income consumers. Applicant will offer voice telephony service as a standalone service throughout the area for which it seeks expanded ETC designation. In addition, the rates Applicant proposes to charge for voice telephony service will be reasonably comparable to urban rates for the same service.

ADVERTISING SERVICES

11. Applicant will advertise the availability and prices of its voice and broadband services using media of general distribution. Applicant plans to advertise its services and prices through its public website, direct mail, and local newspapers. In addition, Applicant will publicize the availability of its Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.

LIFELINE AND DISABLED SERVICE

12. Applicant is compliant with all requirements associated with the Lifeline program contained in 47 CFR Part 54 Subpart E. Applicant is compliant with all requirements contained in 20 CSR 4240 Chapter 31 as they relate to the provision of Lifeline and Disabled services. Applicant's terms, conditions and rates for Lifeline and Disabled services are contained in its tariffs on file with the Commission and on its publicly available website: <https://www.nemr.net/>.

ACCESS TO 911

13. Applicant will provide its voice subscribers located in the census blocks listed in Exhibit 2 with access to 911 and E911 emergency service.

ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS

14. Applicant will have the ability to remain functional in emergency situations through the use of back-up power (i.e., fixed and mobile generators and/or batteries) to ensure functionality without an external power source. The generators and batteries are regularly checked as part of routine maintenance.

CONSUMER PROTECTION AND PRIVACY [AND SERVICE QUALITY]

15. Applicant will satisfy all applicable consumer protection requirements, as well as protect consumer privacy. Applicant has implemented Customer Proprietary Network Information (CPNI) policies and procedures that are consistent with FCC regulations. Employees are required to complete CPNI training. Applicant also has established internal policies and procedures to protect sensitive customer information from improper use and disclosure. Applicant's privacy and security policies are reinforced through periodic training required of all employees.

FINANCIAL AND TECHNICAL ABILITY

16. Applicant has the financial and technical ability to provide voice and broadband services in the areas for which it seeks ETC designation. Applicant was formed in 1952 and has served rural northeast Missouri for 68 years. The census block group will be an extension of one of Applicant's exchanges where voice and high-speed internet is currently being provided. Applicant has a solid financial ability as shown by its annual reports that it files with the Missouri Public Service Commission every year.

OWNERSHIP INTERESTS

17. Applicant is a Telephone Cooperative as defined by Section 386.020(55). As a result, no individual or entity has a ten percent (10%) or more ownership interest in the Applicant.

OFFICERS AND DIRECTORS

18. The Officers and Directors of Applicant are as follows:

Officers

Directors (in Addition to Officers)

Richard Kent, President	Scott Aylward
James Kigar, Secretary	Junior Bertram
Shane Bradshaw, Vice President	Ron Morlan
Dennis Fechtling, Treasurer	Mark Grgurich
	Kenneth Hauk, Jr.

COMMON OWNERSHIP OR MANAGEMENT

19. No company sharing common ownership or management with the Applicant has ever received funds from the federal USF or any state universal service fund.

REGISTERED NAME

20. Applicant commits to solely conduct business using its name (or its fictitious name) as registered with the Commission and the Missouri Secretary of State.

STATE OR FEDERAL REGULATORY OR LAW ENFORCEMENT MATTERS

21. No matters have been brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against any of the individuals, entities, managers, officers, directors of other companies sharing common ownership or management with the Applicant

involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction.

WEBSITE/TARIFF

22. Information about the Applicant's service and rates will be contained in its website (<https://www.nemr.net>) and/or its tariff on file with and approved by the Commission.

AFFIRMATIVE STATEMENTS

23. In accordance with 20 CSR 4240-31.016(2)(B)6, Applicant makes the following affirmative statements:

- a. Applicant will comply with the ETC requirements identified in 20 CSR 4240-31.015;
 - b. Applicant intends to seek support from the Missouri Universal Service Fund (MoUSF) and intends to participate in the Disabled Program administered by the MoUSF;
 - c. Applicant commits to maintain a current list of Company-designed contacts with the Commission's Electronic Filing Information System (EFIS) and notify the Commission of any changes to its Company contact information;
 - d. Applicant is compliant with all reporting and assessment obligations of this Commission; and
 - e. Applicant is compliant with contribution obligations to the federal USF.
24. Applicant has not sought or obtained a waiver of any ETC requirement from the FCC.

A GRANT OF THE ETC DESIGNATION WILL
PROMOTE THE PUBLIC INTEREST

25. As demonstrated above, Applicant meets all of the statutory and regulatory requirements for expansion of its designation as an ETC in the State of Missouri. Approval of the instant Application will advance the public's interest by fulfilling the goals of the FCC's RDOF program of deploying voice and broadband networks in areas where such access is lacking. The fact that Applicant is a successful bidder in the FCC's RDOF Auction supports the fact that Applicant is in the best position to achieve the FCC's goals for the designated census blocks in a cost efficient manner using RDOF funds. These advanced communications services will provide important high speed connectivity to the Internet for citizens of rural Missouri. In addition, expansion of a grant of the instant Application is in the public interest as it will promote increased competitive choice, providing greater access to high speed broadband and voice services and improved service quality for residents of unserved communities in rural Missouri.

MOTION FOR EXPEDITED TREATMENT

26. Applicant requests, pursuant to 20 CSR 4240-2.080(14), that the Commission expedite its consideration of the instant Application so that it will issue a decision no later than March 1, 2021.

27. The RDOF requirements provide that a winning bidder must certify within 180 days of the release of the FCC's December 7, 2020, Public Notice that it has the appropriate ETC designation. However, the RDOF requirements did not require a bidder to be an ETC in order to participate in the auction. Consequently, until Applicant was notified that it was a winning bidder, it did not know the census blocks for which it would receive RDOF support and, thus, the geographic area for which to seek ETC designation.

28. Now that the FCC has determined that Applicant is a winning bidder for the census blocks listed in Exhibit 2, Applicant is filing this Application for expansion of its ETC designation as soon as reasonably possible.

29. If the Commission does not act within the indicated time to grant the instant Application, it may adversely impact Applicant's ability to timely provide RDOF support and begin providing voice and broadband services to the customers located in the census blocks listed in Exhibit 2.

MOTION FOR WAIVER

30. Commission Rule 20 CSR 4240-4.4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." A notice was not filed 60 days prior to the filing of this Application. As such, and to the extent required, Applicant seeks a waiver of the 60-day notice requirement.

31. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, Applicant declares (as verified below) that it has had no communication with the Office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Accordingly, for good cause shown, Applicant moves for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this Application at this time.

WHEREFORE, Applicant respectfully requests the Commission to issue an Order that: (1) approves expeditiously its Amended Application for expansion of its designation as an ETC to receive RDOF support, (2) grants a waiver of the Commission notice of filing requirement in 20 CSR 4240-4.017(1); and (3) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ William R. England, III
W.R. England, III Mo. #23975
Brian T. McCartney Mo. #47788
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Attorneys for Northeast Missouri Rural
Telephone Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served to the following parties on this 29th day of January, 2021:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

/s/ William R. England, III

VERIFICATION

COUNTY OF SULLIVAN)
) ss.
STATE OF MISSOURI)

I, Michele Gillespie, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and am authorized to act on behalf of Northeast Missouri Rural Telephone Company, regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief. Additionally, no representative of Northeast Missouri Rural Telephone Company has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.


Michele Gillespie

Sworn and subscribed to before me this 28 day of January, 2021.


Notary Public

