STATE OF MISSOURI MISSOURI PUBLIC SERVICE COMMISSION

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In the Matter of the Application Wisper ISP Inc. for Designation as an Eligible Telecommunications Carrier

Case No. CA-2019-0196

OPPOSITION TO JOINT MOTION TO SHORTEN TIME

On February 11, 2019, Conexon, LLC, GoSEMO, LLC, and Callabyte Technology, LLC (hereinafter, collectively "Intervenors") filed their Joint Motion to Shorten Time pursuant to 4 CSR 240-2.090(2)(G) ("Motion"). The Motion seeks to force Wisper to respond to Intervenors' Data Requests that were issued on February 7, 2019. As a matter of public policy, competitors should not be allowed to intervene in a proceeding for the purposes of acquiring confidential information and creating a potentially fatal delay in a proceeding. The Commission should deny this Motion and proceed directly to a final order approving Wisper's application in this docket prior to the Federal Communications Commission's deadline of February 25, 2019 for ETC status to be granted.

As is clear from a review of the Data Requests, Wisper has already provided the requested highly confidential information sought by Intervenors to Commission Staff. Staff's Recommendation specifically relies on the information provided on a confidential basis by Wisper and clarifications sought by Staff. Specifically, Intervenors seek Wisper's confidential information regarding:

- Financial Statements;
- Network Design Exhibits filed at the FCC;
- Business assumptions and technical detail for the network deployment schedule;

and

• Customer data for Wisper's highest speed packages.

Although the majority of information sought by Intervenors is confidential, some of it is already publicly available via the FCC's CAF II auction portal, the FCC's Universal Licensing System, and Secretary of State websites. Moreover, other requests specifically regarding engineering and service level commitments reflect a fundamental misunderstanding of the CAF II process and the combined role of the FCC and this Commission to ensure that Wisper meets its CAF II benchmarks.

It is clear that Intervenors' goal is to harass Wisper and scuttle the CAF II award. Given that funds not awarded in CAF II would eventually be spread across projects in any other state, Intervenors are using this process to both protect themselves from competition and could deprive 68,269 individually identified Missouri residences from receiving 100 Mbps/20Mbps service consistent with the FCC's CAF II schedule. For the foregoing reasons, Wisper intends to object to Intervenors' Data Requests consistent with 4 CSR 240-2.090(2)(D). Intervenors' Motion to Shorten Time should be denied.

Respectfully submitted,

_____/s/____ Douglas C. Gruenke (Missouri Bar #56047) Bruckert, Gruenke & Long, P.C. 1002 East Wesley Drive, Suite 100 O'Fallon, Illinois 62269 618.624.4221 dcg@bglattorneys.com February 8, 2019 _____/s/_____

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