

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

Application of CO-MO COMM, INC.)
for Designation as An Eligible)
Telecommunications Carrier Pursuant to)
Section 214(e)(5) of the Communications)
Act of 1934, as Amended)
Case No. _____

**APPLICATION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

COMES NOW CO-MO COMM, INC. (“CO-MO”), pursuant to § 214(e)(2) of the Communications Act of 1934 (“Act”), as amended, and the rules and regulations of the Missouri Public Service Commission (“Commission”), including 4 CSR 240-2.060 and 4 CSR 240-31.130; CO-MO (“Applicant”) respectfully requests designation as both a high-cost and low-income Eligible Telecommunications Carrier (“ETC”) in the State of Missouri in all areas where it, through its participation in the Rural Electric Cooperative Consortium, has been allocated Connect America Fund (“CAF”) Phase II support as a winner of the CAF Phase II auction (“Auction 903”).

Applicant is obligated to obtain ETC designation status within 180 days of the announcement of the Federal Communications Commission (“FCC”) of its winning bids for the locations it will serve,¹ and requests expeditious action by the Commission so that it may meet this requirement.

I. INTRODUCTION AND SUMMARY

Applicant is a wholly-owned direct subsidiary of Co-Mo Electric Cooperative, Inc., a non-profit, rural electric cooperative organized and existing under the laws of the state of

¹ 47 C.F.R. § 54.315(b).

Missouri. Co-Mo Electric Cooperative, Inc. is a Chapter 394 rural electric cooperative engaged in the distribution of electric energy and service to its members within the Missouri counties of Cooper, Moniteau, Morgan, Camden, Benton, Cole, Pettis, Saline and Miller.

Co-Mo Electric Cooperative, Inc. formed CO-MO COMM, INC., a Missouri corporation, to assist with the deployment and operation of a new state-of-the-art, low latency, fiber-to-the-home (“FTTH”) network and to provide high-speed broadband Internet access and Voice over Internet Protocol (“VoIP”) services to its service area which largely lacks access to such services. Applicant will offer Internet service at speeds of 1 Gbps or higher and will provide its customers with voice grade access to the Public Switched Telephone Network (“PSTN”) through its interconnected VoIP service.

The street and mailing address of CO-MO’s principal office is 29868 Highway 5, P.O. Box 220, Tipton, Missouri 65081. CO-MO’s electronic mail address is rwalters@co-mo.coop; fax number is 660-433-5631; and telephone number is 660-433-5521. CO-MO does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal agency or court, which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application. CO-MO does not have any annual reports or assessment fees that are overdue. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for CO-MO is attached hereto and marked **Exhibit C**.

Correspondence, communications, orders and decisions in regard to this Application should be directed to:

Rett Walters
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29868 Highway 5
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-and-

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Applicant will deploy broadband and interconnected VoIP services in its winning areas of the CAF Phase II-eligible census block groups listed in **Exhibit A** hereto (the “proposed ETC Service Area”). Applicant seeks ETC designation from the Commission to serve the winning areas of these CAF Phase II-eligible census block groups.

CO-MO meets all of the federal and state statutory and regulatory requirements for ETC designation. Designating CO-MO as an ETC to receive CAF Phase II support, as well as federal Lifeline support, in the winning areas of the CAF Phase II-eligible census block groups listed in **Exhibit A** will serve the public interest by enabling CO-MO to provide voice and broadband services to consumers in the proposed ETC Service Area via the deployment of a new FTTH network.

II. THE COMMISSION HAS AUTHORITY TO GRANT THE ETC DESIGNATION REQUESTED BY CO-MO

Section 214(e)(2) of the Act gives authority to State commissions to designate a common carrier as an eligible telecommunications carrier for a service area designated by the State commission.

Under Missouri regulations, an eligible telecommunications carrier (ETC) is defined as “a carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C. 214(e) and 47 CFR Part 54 Subpart C.”² An application for ETC designation shall be deemed to be acceptance of commission jurisdiction over any issues related to ETC status and USF funding and acceptance of all commission rules pertaining to universal service.³

² 4 CSR 240-31.010(5).

³ 4 CSR 240-31.130(2)(B).

III. APPLICANT MEETS THE STATUTORY AND REGULATORY PREREQUISITES TO BE DESIGNATED AS AN ETC

As demonstrated herein, CO-MO satisfies each of the state and federal statutory and regulatory requirements to be an ETC.

A. Applicant Will Provide Service as a Common Carrier

For the customers and locations where CAF-II support has been allocated, CO-MO will provide its services on a common carrier basis. As such, CO-MO certifies that it is a common carrier under §§ 214(e)(1)-(2) of the Act.⁴

B. Applicant Will Offer the Services Supported by the Federal Universal Service Support Mechanisms

As described below, CO-MO certifies that it will provide the following services that are supported by federal universal service support mechanisms:⁵

1. Voice Grade Access to the PSTN – CO-MO will meet this requirement through the provision of IP-based voice communications service that is interconnected to the PSTN. CO-MO will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting universal service-related requirements. CO-MO will offer stand-alone voice telephony service throughout the proposed ETC Service Area, and will offer such service at rates that are reasonably comparable to urban rates. This service will include minutes of use for local service provided at no charge to end users and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations.⁶ CO-MO also commits to provide toll limitation services to qualifying low-income consumers as provided in §§ 54.400-54.423 of the Rules.⁷

⁴ See Exhibit B (Affidavit of Rett Walters) (“Walters Affidavit”).

⁵ See *id.*

⁶ 47 C.F.R. § 54.101(a)(1) and (b).

⁷ 47 C.F.R. § 54.101(a)(1).

2. Broadband Internet Access Services – CO-MO’s broadband Internet offering will provide the capability to transmit data to and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service. CO-MO will offer low-latency broadband Internet service at speeds of 1 Gbps or higher throughout the proposed ETC Service Area, and will offer such service at rates that are reasonably comparable to urban rates.⁸
3. Lifeline Service – CO-MO will offer Lifeline voice and broadband services to qualifying low-income consumers in accordance with the FCC’s Rules within its proposed ETC Service Area.⁹

CO-MO further commits to provide these services consistent with the FCC’s high-cost universal service support rules applicable to it.¹⁰

C. Applicant Will Provide Service Using Its Own Facilities

CO-MO will deploy and operate a new state-of-the-art, low latency, FTTH facilities-based network to provide high-speed broadband Internet access and VoIP services to those within the service area who lack access to such services.¹¹

D. CO-MO Will Provide the Requisite CAF-II Supported Services Throughout Its Proposed ETC Service Area

CO-MO commits to providing the supported services throughout its proposed ETC Service Area, consistent with all applicable requirements.¹²

E. Applicant Will Advertise the Availability of Its Services and Charges Using Media of General Distribution

⁸ 47 C.F.R. § 54.101(a)(2).

⁹ 47 C.F.R. § 54.405(a), 54.400 *et seq.*

¹⁰ See 47 C.F.R. §§ 54.101 and 54.201.

¹¹ 47 C.F.R. § 54.201(d)(1).

¹² See 47 C.F.R. §§ 54.101 and 54.201.

CO-MO will advertise the availability of and charges for its supported service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of its service offerings, consistent with all applicable requirements.¹³ CO-MO will offer and advertise its broadband and VoIP services, including those offerings that include all of the supported services, through a combination of media channels, such as television and radio, newspaper, magazines, and other print advertisements, outdoor advertising, direct marketing, and/or the Internet. CO-MO will use the appropriate media outlets to advertise its universal service offerings in a manner consistent with applicable requirements.

F. Applicant Possesses the Financial and Technical Capability to Provide the Supported Services

With the financial backing of its parent, Co-Mo Electric Cooperative, Inc., CO-MO possesses the financial and technical capabilities to pay for all start-up expenses (*e.g.*, construction, hardware, operations, etc.) to get its fiber optic network built and to begin the provision of voice and broadband services throughout its proposed ETC Service Area. CO-MO and/or Co-Mo Electric Cooperative, Inc. will be able to obtain the requisite amount of lending under its existing lines of credit and CO-MO and/or Co-Mo Electric Cooperative, Inc. is able to obtain additional financing, if necessary, in addition to the CAF Phase II support being made available to CO-MO pursuant to Auction 903.

G. Applicant Will Meet the Additional FCC Requirements for Designation as an ETC

Applicant further certifies that it will meet all of the FCC's requirements for designation as an ETC under § 214(e)(2) of the Act.¹⁴

¹³ 47 C.F.R. § 54.201(d)(2).

¹⁴ See Exhibit B (Walters Affidavit).

1. **Compliance with Applicable Service and Performance Quality Requirements.** Applicant certifies that it will comply with the service requirements applicable to the support that it receives, including the requirements for CAF Phase II support, and will provide additional information in this regard as part of its FCC Form 683 application, including a certification from a professional engineer that the fiber optic network is capable of delivering voice and broadband service that meets the requisite performance requirements and sufficient capacity to meet customer demand at or above the prescribed levels during peak usage periods.¹⁵

2. **Ability to Remain Functional in Emergency Situations.** Applicant certifies that its fiber optic network will have the ability to remain functional in emergency situations, will have a reasonable amount of back-up power to ensure functionality without an external power source, will be able to reroute traffic around damaged facilities and will be capable of managing traffic spikes resulting from emergency situations.¹⁶ Applicant's fiber optic network will support telephone service using Session Initiation Protocol-based VoIP technology and will support all phone features, including 911 services.

IV. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

The grant of this Application will clearly serve the public interest by enabling CO-MO to provide low latency, gigabit-speed broadband and voice services to residents in the proposed ETC Service Area, as well as to provide subsidized voice and broadband services to those households that qualify for federal Lifeline benefits. Applicant's participation will "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans,"¹⁷ and will aid the Commission's objective of ensuring that federal universal service support, including CAF Phase II support, is used "efficiently and effectively."¹⁸

¹⁵ See 47 C.F.R. § 54.309.

¹⁶ See 47 C.F.R. § 54.202(a)(2).

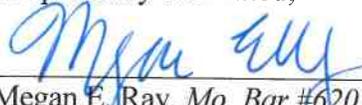
¹⁷ 47 U.S.C. § 1302(a).

¹⁸ *Connect America Fund*, 32 FCC Rcd 968, 975 (¶20) (2017).

V. CONCLUSION

For all of the foregoing reasons, CO-MO respectfully requests that the Commission designate it as both a high-cost and low-income ETC so that CO-MO will be eligible to receive the CAF Phase II support won via Auction 903, as well as federal Lifeline support in its proposed ETC Service Area.

Respectfully submitted,



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ATTORNEY FOR CO-MO COMM, INC.

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Application was served by electronic mail or U.S. Mail, postage prepaid, this 27th day of September, 2018 upon the following:

Office of the Public Counsel
Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
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Megan E. Ray

VERIFICATION

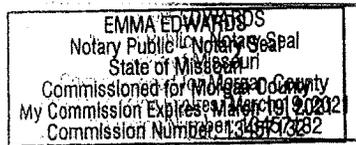
STATE OF MISSOURI)
)ss
COUNTY OF Moniteau)

I, Rett Walters, state that I am employed by CO-MO COMM, INC. as Interim General Manager; that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of CO-MO COMM, INC..



Rett Walters

Subscribed and sworn to before me this 25th day of September, 2018.



Commission Expires: 3/19/21 Notary Public
Commission Number: 13457132