

organized and existing under the laws of the state of Missouri. Callaway Electric Cooperative is a Chapter 394 rural electric cooperative engaged in the distribution of electric energy and service to its members within the Missouri counties of Callaway, Montgomery, Audrain, Boone and Warren. Callabyte is a member of the RECC that competed for CAF-II funding in Missouri.

5. Correspondence, communications, orders and decisions in regard to this Joint

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6. Applicants have no pending action or final unsatisfied judgment or decisions against them 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. Applicants do not have any annual reports or assessment fees that are overdue.

7. On December 21, 2018, in the above-captioned proceeding, Wisper ISP Inc. (“Wisper”) filed an application with the Commission for designation as an Eligible Telecommunications Carrier (“ETC”) in order to become eligible to receive CAF-II

support for its winning areas in Missouri, covering 68,269 customer locations in 10,544 census blocks in Missouri.

8. Wisper competed for CAF-II funding in Missouri with members of the Rural Electric Cooperative Consortium, with Wisper ultimately being identified by the FCC as the winning bidder in certain areas in Missouri and members of the RECC as the winning bidders in other areas. In certain areas of Missouri where an RECC member was declared the winning bidder, as a direct result of Wisper's bidding, CAF-II support for RECC members was reduced. In other areas, members of the RECC lost out to Wisper. Through their participation in RECC, one of the largest winning bidders in the CAF-II auction, the Applicants have a substantial interest in the integrity of the auction.
9. In its ETC Application, Wisper states that “[f]or its Missouri Census Blocks, Wisper committed to offer 25 Mbps download and 3 Mbps upload.”¹ This statement contradicts Wisper's CAF-II bidding and performance obligations in Missouri as indicated on the FCC's CAF-II: Auction 903 Results Map which indicates that Wisper is obligated to provide 100/20 Mbps broadband speeds, voice services at a latency of 100 milliseconds or better assuming a 70 percent subscription rate (whether or not Wisper actually obtains a 70% subscription rate in the areas it proposes to serve) to all of the 68,269 customer locations in Missouri.² To the extent that Wisper's CAF-II broadband performance obligations have been identified in error by Wisper,

¹ See *Wisper ISP Inc.* Application for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support from the FCC Connect America Fund – Phase II, Case No. CA-2019-0196 (filed Dec. 21, 2018), at p. 14.

² See <https://www.fcc.gov/maps/caf2-auction903-results/>.

Applicants would ask that the Commission require Wisper to correct and re-file its application for ETC designation.

10. Pursuant to 4 CSR 240-2.075, Applicants believe that the fixed wireless network Wisper proposes to employ to serve these areas in Missouri, as described in Wisper's CAF-II short-form application and in its ETC application, is incapable of meeting Wisper's CAF-II performance requirements in Missouri which includes the provision of 100/20 Mbps broadband speeds throughout Wisper's CAF-II winning areas in Missouri.
11. On December 31, 2018, in the above-captioned proceeding, the Commission issued its *Order Directing Notice And Setting Date for Intervention*. The order established a deadline of January 21, 2018 to intervene. This Application to Intervene is timely filed pursuant to said Order.
12. Applicants, along with Wisper, were also CAF-II bidders in Missouri. As bidders who participated in the FCC's recent CAF-II auction, Applicants have an interest in this matter which is different from that of the general public and which may be adversely affected by a final order arising from this case.
13. If this Application to Intervene is granted, Applicants will bring their collective telecommunications expertise and experience serving rural areas in Missouri to this case.
14. For the reasons stated above, granting the instant Application to Intervene would serve the public interest.
15. Pursuant to 4 CSR 240-2.075, Applicants state that they oppose Wisper's ETC application.

WHEREFORE, Applicants respectfully request that the Missouri Public Service Commission grant this Joint Application to Intervene and make all Applicants parties to this proceeding.

Respectfully submitted,

/s/ Megan E. Ray

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ATTORNEY FOR APPLICANTS

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 18th day of January, 2019 upon all counsel of record and the following:

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*/s/ Megan E. Ray*_____

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