

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

Application of Ozark Fiber, LLC)
as an Eligible Telecommunications Carrier) Case No. CA-2023-0098
For Purposes of Receiving Federal and)
State Lifeline and Disabled Support)

**AMENDED APPLICATION OF OZARK FIBER, LLC FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER FOR PURPOSES OF RECEIVING FEDERAL AND STATE
LIFELINE AND DISABLED SUPPORT AND MOTION FOR WAIVER**

COMES NOW Ozark Fiber, LLC (“Ozark” or “Applicant”) 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 designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of receiving federal and state Lifeline and Disabled Support and motion for waiver pursuant to 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 limited liability company in good standing with its street address and principal place of business at 3919 Hollow View Ct., Wildwood, MO 63069. A copy of Applicant’s Certificate of Good Standing issued by the Missouri Secretary of State is attached as Exhibit 1. Applicant is a Competitive Local Exchange Carrier (“CLEC”) certificated by the Commission in Case No. TA-2022-0154 to provide basic local and non-switched local telecommunications services.

2. By this Application, Applicant seeks ETC designation throughout the State of Missouri to provide federal and state Lifeline and Disabled discounts to qualifying low-income and disabled subscribers. Applicant therefore seeks a “Lifeline and Disabled ETC designation” only.

3. All correspondence, communications, pleadings, notices, orders and decisions relating

to this Application should be addressed to:

Dave Beier
Ozark Fiber, LLC
dave.beier@ozarkfiber.com

Jason L. Ross
Ross Law, LLC
jason.ross.lawyer@gmail.com

4. Applicant currently provides competitive local and non-switched telecommunications services pursuant to authorization from the Commission issued in Case No. TA-2022-0154.

5. As will be shown below, Applicant meets all statutory and regulatory requirements for its ETC designation. A grant of this application will advance the public interest by meeting the goals of the federal and state Lifeline and state Disabled programs making voice and broadband services affordable to subscribers who are financially challenged and/or disabled.

6. 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.

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

SERVICES OFFERED

8. Applicant will offer voice and broadband internet access services. Qualifying subscribers will be eligible for federal and state Lifeline and Disabled support. The rates Applicant proposes to charge for voice and broadband services will be reasonably comparable to urban rates for the same services.

ADVERTISING SERVICES

9. 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 using newspapers, its publicly available website, direct mail, and through participation in local community

events. In addition, Applicant will publicize the availability of its Lifeline and Disabled services in a manner reasonably designed to reach those likely to qualify for the services.

LIFELINE AND DISABLED SERVICE

10. Applicant will comply with all requirements associated with the federal Lifeline program contained in 47 CFR Part 54 Subpart E. Applicant will also comply 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 will be contained on its publicly available website: ozarkfiber.com.

ACCESS TO 911

11. Applicant will provide its voice subscribers with access to 911 and E911 emergency service.

ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS

12. 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

13. Applicant will satisfy all applicable consumer protection requirements, as well as protect consumer privacy. Applicant has Customer Proprietary Network Information (CPNI) policies and procedures that are consistent with FCC regulations. Employees will be required to complete CPNI training. Applicant also has 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

14. Applicant has the financial and technical ability to provide voice and broadband services. Applicant complies with Commission rules, as well as files Annual Reports with the Commission regarding its financial status. Applicant's service as a CLEC and its annual reporting to the Commission further supports its technical and financial ability to provide voice and broadband services.

OWNERSHIP INTERESTS

15. Applicant does not have a parent company.

OFFICERS AND DIRECTORS

16. The Officers and Members of Applicant are as follows:

Andrew B. Davis – LLC Manager

Jason Ross – President/Member

Dave Beier – CFO

COMMON OWNERSHIP OR MANAGEMENT

17. Applicant has no affiliates that are designated as ETCs or that participate in the federal or state Lifeline or Disabled programs.

REGISTERED NAME

18. Applicant commits to solely offer Lifeline and Disabled services using its name of Ozark Fiber, LLC as registered with the Commission and the Missouri Secretary of State.

STATE OR FEDERAL REGULATORY OR LAW ENFORCEMENT MATTERS

19. 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

20. Information about the Applicant's service and rates will be contained on its website. The Applicant will provide voice grade service to the PSTN, including unlimited local calling and unlimited long distance calling within the United States. The rate for basic residential voice service will be \$19.99 per month, in addition to the rates for residential broadband internet access services of \$59.95 per month for 250mbps, \$79.95 per month for 500mbps or \$99.95 per month for 1gbps.

AFFIRMATIVE STATEMENTS

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

- a. Applicant will comply with the federal and state Lifeline and Disabled requirements; specifically, Applicant will comply with 20 CSR 4240-31.015;
- b. In addition to seeking federal Lifeline support, Applicant intends to seek Lifeline and Disabled support from the Missouri Universal Service Fund (MoUSF);
- c. Applicant commits to maintain a current list of Company-designated 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;

- e. Applicant is compliant with contribution obligations to the federal and state USF;
and
- f. 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

22. As demonstrated above, Applicant meets all of the statutory and regulatory requirements for designation as a Lifeline and Disabled ETC in the State of Missouri. Approval of the instant Application will advance the public's interest by fulfilling the goals of the federal and state Lifeline and Disabled support program by offering voice and broadband services to qualifying low-income and disabled customers. Being able to provide Lifeline and Disabled discounts to qualifying customers will promote greater access to broadband internet and voice services.

APPLICANT'S FACILITIES USED TO OFFER SUPPORTED SERVICES

23. Applicant states that throughout the area(s) where it is designated as an ETC, it will offer the supported services using its own facilities (e.g., fiber optic cable) or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC).

MOTION FOR WAIVER

24. 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.

25. 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 its Application for designation as an ETC in order to participate in the federal and state Lifeline and Disabled support programs; (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/ Jason L. Ross
Jason L. Ross Mo. #51428
ROSS LAW, LLC
3919 Hollow View Ct.
Wildwood, Missouri 63069
(618) 420-0655
jason.ross.lawyer@gmail.com

Attorney for Ozark Fiber, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served to the following parties on this 7th day of October, 2022:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

/s/ Jason L. Ross

VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF FRANKLIN)

I, Dave Beier, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and am authorized to act on behalf of Ozark Fiber, LLC 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 Ozark Fiber, LLC 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.

Dave Beier

Dave Beier, Chief Financial Officer
Ozark Fiber, LLC

Sworn and subscribed to before me this 7th day of October, 2022.

Lisa K. Volkmann

Notary Public

LISA K. VOLKMANN Notary Public - Notary Seal STATE OF MISSOURI Crawford County My Commission Expires: March 21, 2023 Commission #16646490
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