

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

Petition of Co-Mo Comm, Inc.) Case No. [] _____
For Expanded Designation as An Eligible)
Telecommunications Carrier Pursuant to)
Section 214(e)(2) of the Communications)
Act of 1934, as Amended)

**PETITION FOR EXPANDED DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

COMES NOW Co-Mo Comm, Inc. (“Petitioner”), 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 240-31.015–.016 to respectfully request expanded Eligible Telecommunications Carrier (“ETC”) designation to participate in the federal Universal Service Fund’s (“USF”) High-Cost and Low-Income programs in the State of Missouri in all areas where Petitioner, through its participation in the Rural Electric Cooperative Consortium, has been allocated Rural Digital Opportunity (“RDOF”) Phase I support as a winner in the Federal Communications Commission’s (“FCC”) RDOF Phase I auction (“Auction 904”).¹

The Petitioner was recently awarded RDOF Phase I subsidies in Auction 904 and plans to provide high-speed broadband and voice services in the areas where Petitioner was awarded RDOF Phase I support. Petitioner is obligated to obtain ETC designation throughout its RDOF

¹ The Commission previously designated Petitioner as a high-cost and low-income ETC in the State of Missouri in census blocks where the Petitioner was allocated federal Connect America Fund Phase II (“CAF II”) support as a winning bidder in the CAF II auction. *Application of Co-Mo Comm, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Missouri Pursuant to Section 214(e)(5) of the Communications Act of 1934*, as amended, Docket No. RA-2019-0088, Order No. 6 (Nov. 15, 2018) (“Co-Mo Comm, Inc. ETC Designation Order”).

Phase I winning areas within 180 days of the announcement by the FCC that Petitioner was a winning bidder in the RDOF Phase I auction.² As a result, Petitioner requests expeditious action by the Commission so that it may satisfy this requirement.

I. INTRODUCTION AND SUMMARY

Petitioner is a wholly owned subsidiary of Co-Mo Electric Cooperative, Inc. (“Co-Mo Electric Cooperative”), a non-profit, rural electric cooperative organized and existing under the laws of the state of Missouri. Co-Mo 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 Cooper, Moniteau, Morgan, Camden, Benton, Cole, Pettis, Saline, and Miller.

Petitioner, a Missouri Limited Liability Company, was formed 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. Petitioner will offer low-latency broadband service at actual speeds of at least 1 Gigabit per second downstream and 500 Mbps upstream and offer at least 2 terabytes of monthly usage and will provide its customers with voice grade access to the Public Switched Telephone Network (“PSTN”) through its provision of interconnected VoIP service.

The street and mailing address of Petitioner’s principal office is P.O. Box 220, Tipton, Missouri 65081. Petitioner’s electronic mail address is jszymanowski@co-mo.net; telephone number is (660) 433-6100; and fax number is (660)- 433-5731. Petitioner does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal

² 47 C.F.R. § 54.804(b)(5).

agency or court, which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this petition. Petitioner does not have any annual reports or assessment fees that are overdue.

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

John Szymanowski
Chief Operating Officer
Co-Mo Comm, Inc.
P.O. Box 220
Tipton, MO 65081
Telephone: (660) 433-6100
E-mail: jszymanowski@co-mo.net

and

Megan E. Ray
Andereck, Evans, Lewis, Figg & Battagler, LLC
3816 S. Greystone Ct., Ste.
Springfield, MO 6580
Telephone: (417) 864-6401
Fax: (417) 864-4967
E-mail: mray@lawofficemo.com

Petitioner seeks expanded High-Cost and Low-Income ETC designation status from the Commission throughout its RDOF Phase I-winning census blocks identified in **Exhibit A** hereto. Petitioner continues to meet all of the federal and state statutory and regulatory requirements for ETC designation. Designating Petitioner as an ETC in the additional areas requested so that it is authorized to receive RDOF Phase I support in the census blocks identified in **Exhibit A** will serve the public interest by enabling Petitioner to bring gigabit tier broadband and interconnected VoIP services to rural areas of Missouri currently lacking such services.

II. THE COMMISSION HAS AUTHORITY TO GRANT THE EXPANDED ETC DESIGNATION REQUESTED BY PETITIONER

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.”³

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

As demonstrated herein, Petitioner satisfies each of the state and federal statutory and regulatory requirements for Expanded ETC designation.

A. Petitioner Will Provide Service as a Common Carrier

For the customers and locations where RDOF Phase I support has been allocated, Petitioner will provide its services on a common carrier basis. As such, Petitioner certifies that it is a common carrier under §§ 214(e)(1) and(e)(6) of the Act.⁴

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

As described below, Petitioner 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 – Petitioner will meet this requirement through the provision of IP-based voice communications service that is interconnected to the PSTN. Petitioner will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting universal service-

³ 4 CSR 240-31.010(5).

⁴ See Exhibit C (Affidavit of John Szymanowski).

⁵ See *id.*

related requirements. Petitioner will offer stand-alone voice telephony service throughout its proposed ETC designation 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 service via E-911, wherever available from local government or public safety organizations.⁶ Petitioner also commits to provide toll limitation services to qualifying low-income consumers as provided in §§ 54.400-54.423 of the Rules.⁷

2. Broadband Internet Access Services – Petitioner’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. Petitioner will offer low-latency Internet service at actual speeds of at least 1 Gbps downstream and 500 Mbps upstream and offer at least 2 terabytes of monthly usage throughout the proposed ETC Designation Area, and will offer such service at rates that are reasonably comparable to urban rates.⁸
3. Lifeline Service – Petitioner will offer subsidized Lifeline voice and broadband services, including a standalone voice service offering, to qualifying low-income consumers in accordance with the FCC’s rules within its proposed ETC designation area.⁹

Petitioner further commits to provide these services consistent with applicable FCC’s High-Cost and Low-Income universal service support rules.¹⁰

⁶ 47 C.F.R. § 54.101(a)(1) and (b).

⁷ 47 C.F.R. § 54.101(a)(1).

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.

C. Petitioner Will Provide Service Using Its Own Facilities

Petitioner will deploy and operate a state-of-the-art, low-latency, FTTH facilities-based network to provide high-speed broadband Internet access and interconnected VoIP services to those within its proposed ETC designation area who lack access to such services.¹¹

D. Petitioner Will Provide the Requisite RDOF Phase I Supported Services Throughout Its Proposed ETC Designation Area

Petitioner commits to providing the requisite RDOF Phase I supported services throughout its proposed ETC designation area, consistent with all applicable requirements.¹²

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

Petitioner 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 Petitioner will offer and advertise its broadband and interconnected VoIP services through a combination of media channels, such as newspaper, magazines, and other print advertisements, outdoor advertising, direct marketing, and/or the Internet. Petitioner will advertise its universal service offerings in a manner consistent with applicable requirements.

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

With the financial backing of its parent, Co-Mo Electric Cooperative, Petitioner possesses the financial and technical capabilities to pay for all start-up expenses (*e.g.*,

¹¹ 47 C.F.R. § 54.201(d)(1).

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

¹³ 47 C.F.R. § 54.201(d)(2)

construction, hardware, operations, etc.) to get its fiber optic network built and to begin the provision of voice and broadband services throughout its proposed expanded ETC designation area. Petitioner and/or Co-Mo Electric Cooperative will be able to obtain the requisite amount of lending under its existing lines of credit and Petitioner and/or Co-Mo Electric Cooperative is able to obtain additional financing, if necessary, in addition to the RDOF Phase I support being made available to Petitioner.

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

Petitioner further certifies that it will meet all of the FCC's requirements for designation as an ETC under § 214(e)(1) of the Act.¹⁴

1. **Compliance with Applicable Service and Performance Quality Requirements.** Petitioner certifies that it will comply with the service requirements applicable to the support that it receives, including the requirements for RDOF Phase I 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.** Petitioner 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 Petitioner's fiber optic network will support telephone service using Session Initiation Protocol-based VoIP technology and will support all phone features, including E-911 services.

¹⁴ See Exhibit C.

¹⁵ See 47 C.F.R. § 54.309.

¹⁶ See 47 C.F.R. § 54.202(a)(2).

IV. THE COMMISSION HAS PREVIOUSLY GRANTED THE PETITIONER DESIGNATION AS AN ETC

As referenced above, the Petitioner was designated as a high-cost and low-income ETC by the Commission on November 15, 2018. In connection with granting Petitioner's application for designation as an ETC, the Commission reviewed Petitioner's representations, certifications, and commitments regarding the services Petitioner will provide that are supported by federal universal service support mechanisms,¹⁷ and determined that "(the Petitioner) has met all federal and state requirements and that it is in the public interest to grant the ETC application."¹⁸ The Petitioner hereby reaffirms its compliance with and commitment to each of the requirements delineated in the Petitioner's ETC Application, reviewed in the Co-Mo's ETC Designation Order, and stated above.

Since the Commission has already determined that Petitioner meets the requirements applicable to an ETC in the State of Missouri, this petition is limited to a request by Petitioner that the Commission expand Petitioner's ETC designation area for the areas awarded in the RDOF Phase I auction, as identified in Exhibit A.

V. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

The grant of this Petition will clearly serve the public interest by enabling Petitioner to provide low-latency, gigabit-speed broadband and interconnected VoIP-based voice services to residents in its proposed ETC Designation Area, as well as to provide subsidized voice and broadband services to those households that seek and qualify for federal Lifeline benefits. Petitioner's award of RDOF Phase I support by the FCC and designation as an ETC by the

¹⁷ See Co-Mo Comm, Inc.'s ETC Application at 4-5.

¹⁸ Co-Mo, Inc. ETC Designation Order at 3. A discussion of public interest considerations is contained in Section IV, *infra*.

Commission in the additional areas requested will “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to [additional] Americans ...”¹⁹ and will aid the Commission’s objective of ensuring that federal universal service support, including RDOF Phase I support, is used efficiently and effectively.

VI. CONCLUSION

For all of the foregoing reasons, Petitioner respectfully requests that the Commission designate it as a High-Cost and Low-Income ETC in the additional areas requested so that Petitioner will be eligible to receive the RDOF Phase I support it has been awarded in Auction 904 Expanded ETC Designation Area.

Respectfully submitted,



Megan E. Ray
Andereck, Evans, Lewis, Figg & Battagler, LLC
3816 S. Greystone Ct., Ste. B
Springfield, MO 65804
Telephone: (417) 864-6401
Facsimile: (417) 864-4967
E-mail: mray@lawofficemo.com

Attorney for Co-Mo Comm, Inc.

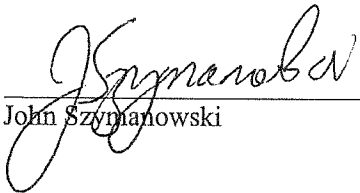
January 5, 2021

¹⁹ 47 U.S.C. § 1302(a).

VERIFICATION

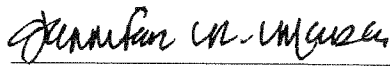
STATE OF MISSOURI)
)
COUNTY OF MONITEAU) ss

I, John Szymanowski, state that I am the Chief Operating Officer of Co-Mo Comm, Inc.; 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.

Signed: 
John Szymanowski

Subscribed and sworn to before me this 5 day of January, 2021.

JENNIFER R. MERCER
Notary Public Notary Seal
State of Missouri
Commissioned for Moniteau County
My Commission Expires: March 19, 2022
Commission Number: 14856236


Notary Public

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing Petition was served by electronic mail or U.S. Mail, postage prepaid, this 5th day of January, 2021 upon the following:

Office of the Public Counsel
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
P.O. Box 360
Jefferson City, Missouri 65102
staffcounsel@psc.mo.gov


Megan E. Ray