

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 7th day of April, 2021.

In the Matter of the Joint Application of Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Systems (Missouri) LLC d/b/a Time Warner Cable (TWCIS) for Designation as Eligible Telecommunications Carriers to Receive Rural Digital Opportunity Fund Action (Auction 904) Support for Voice and Broadband Services)
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) **File No. TA-2021-0204**
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**ORDER GRANTING DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: April 7, 2021

Effective Date: May 7, 2021

On January 7, 2021, Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Systems (Missouri) LLC d/b/a Time Warner Cable (TWCIS) (The Companies) requested authority to be designated as Eligible Telecommunications Carriers (ETC).¹ The Companies were recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas. The RDOF funding requires the Companies to extend broadband service to a designated number of locations in certain census blocks. The Companies seek ETC designation to include the census blocks it was awarded. The Companies included Exhibits A and B with their application, which outlines the specific census blocks for which it requests designation.

The Commission issued notice and set a deadline for intervention. No person or entity sought intervention in this matter, and no party has requested a hearing.

¹ The Companies are presently certificated in Missouri to provide competitive local exchange and interexchange services.

The Staff of the Missouri Public Service Commission (Staff) conducted an investigation and on February 10, 2021, filed its recommendation and memorandum. Staff recommended that the Commission approve the Companies' request for designation as an eligible telecommunications carriers for the purpose of receiving federal high-cost and low-income support for census blocks identified in the Companies' Exhibits A and B. Staff stated the Companies met the requirements of Commission Rule 20 CSR 4240-31.016 governing eligible telecommunications carriers. Staff notes that the Companies request a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017, and recommends that such waiver be granted.

The Companies supplemented their application on March 18, 2021. The Companies state that it is possible that census blocks which are currently included in the RDOF Census Blocks may cease to be eligible for RDOF funding if they become eligible for other state or federal programs that are also designed to support the deployment of broadband infrastructure. The Companies ask that the Commission permit a census block to automatically be removed from their ETC designation upon the FCC issuing a determination that RDOF funding not be extended to that census block. Staff responded on April 1, 2021, recommending that it is appropriate to grant this request, but only if the Commission's order includes a requirement for the companies to file notice with the Commission of such a change.

Under federal authority, the application is within the Commission's jurisdiction to decide.² Since no law requires a hearing, this is a non-contested case.³ Non-contested

² 47 U.S.C. § 214(e)(2).

³ *In the Matter of Kansas City Power & Light Co.'s Request for Authority to Implement a General Rate Increase for Elec. Serv. v. Pub. Serv. Comm'n*, 509 S.W.3d 757, 783-784 (Mo. App. W.D. 2016).

cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.⁴ Consequently, the Commission bases its decision on the verified filings.

Based upon its review of the verified application and Staff's recommendation and memorandum, the Commission finds that the Companies have met the requirements for ETC designation. Further, for good cause shown, the Companies will be granted a waiver of the 60-day filing requirement of the Commission's rules.

THE COMMISSION ORDERS THAT:

1. The Companies' application is granted. The Companies are granted ETC status for the purpose of receiving federal high-cost and low-income support where they receive RDOF support in the area identified by census block groups described in Exhibits A (for Charter Fiberlink-Missouri) and B (for TWCIS) to their application.

2. The Companies are granted a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017.

3. If the FCC removes any such census block from eligibility for RDOF support then the Company or Companies will file into this case file a copy of the FCC documentation removing the census block. Such a filing will cause the census block to be removed from the indicated company's ETC designated service area automatically and without further action by the Commission.

4. This order shall become effective on May 7, 2021.

5. This file shall be closed on May 8, 2021.

⁴ *State ex rel. Pub. Counsel v. Pub. Serv. Comm'n*, 210 S.W.3d 344, 353-354 (Mo. App. W.D. 2006).



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur and certify compliance
with the provisions of Section 536.080, RSMo (2016).

Pridgin, Regulatory Law Judge