

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

In the Matter of the Joint Application)
of Charter Fiberlink-Missouri, LLC)
and Time Warner Cable Information)
Services (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)

Case No. TA-2021-0204

STAFF RECOMMENDATION REGARDING SUPPLEMENTED APPLICATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Recommendation* in this matter hereby states:

On February 10, 2021, Staff filed its *Recommendation* regarding Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable's *Joint Application* for designation as an eligible telecommunications carrier (ETC) related to the Rural Digital Opportunity Fund (RDOF) created by the Federal Communications Commission (FCC) to expand broadband to underserved areas. Following that filing, the companies filed a *Second Supplement* to their application regarding the potential of the census blocks for which they were awarded RDOF support to change based on future FCC decisions. The companies request 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 has reviewed the request and recommends 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. Staff's Memorandum is attached here as Appendix A.

WHEREFORE, Staff recommends that the Commission approve Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable's request for designation as eligible telecommunications carriers for the purpose of receiving federal high cost and low-income support and in compliance with the RDOF Auction; that the designation be specific to the census blocks identified in Exhibits A and B of their *Application*; that it grant waiver of the 60-day notice; that it include the following language in its order:

Staff recommends the Commission grant ETC status to Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable for the purpose of receiving federal high-cost and low-income support where they receive RDOF support in the area identified by census blocks in Exhibit A for Charter Fiberlink-Missouri, LLC & Exhibit B for Time Warner Cable of the companies' application. If the FCC removes any such census block from eligibility for RDOF support then the company(ies) 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.

and that it grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

/s/ Whitney Payne

Whitney Payne

Senior Counsel

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Missouri Public Service Commission

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 1st day of April, 2021, to all counsel of record.

/s/ Whitney Payne

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TA-2021-0204

From: Kari Salsman, Research/Data Analyst
John Van Eschen, Regulatory Compliance Manager
Telecommunications Department

Subject: Staff's Recommendation to Approve Charter Fiberlink - Missouri, LLC
and Time Warner Cable's joint Request for ETC Designation

Date: April 1, 2021

On January 7, 2021, Charter Fiberlink-Missouri, LLC (Charter) and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable (TWCIS) filed a joint application for designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving federal high cost and low-income universal service fund support.¹ The companies are certificated CLEC and IXC providers in Missouri.² The companies were recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas.³ The RDOF funding requires the companies to extend broadband service to a designated number of locations in certain census blocks.⁴ Charter and TWCIS seek ETC designation in the won census blocks. The applicants later supplemented the application to seek specific wording within the Missouri Commission's order to automatically remove a census block(s) from their ETC designated area should the FCC later decide to not extend RDOF funding to a census block(s) targeted for RDOF funding.

Federal authority enables state commissions to grant ETC status to a company.⁵ Missouri's ETC application requirements are contained in existing Missouri Commission rule 20 CSR 4240-31.016. Staff reviewed the companies' request for compliance with Missouri's rule as well as federal requirements. In Staff's opinion the companies have adequately met all ETC application requirements. Consequently Staff supports the companies' application for ETC status. In addition, Staff conceptually has no objections to the applicants' proposal to remove a census block from the companies' designated ETC service area should the FCC later decide to not fund a census block. If the FCC

¹ Charter and TWCIS are subsidiaries of Charter Communications, Inc.

² Case Nos. TA-2001-346 and LA-2004-0133. The companies' principal office is located in St. Louis, Missouri.

³ The companies, through their affiliate CCO Holdings, LLC, have been awarded \$48,392,328 over 10 years to extend broadband service to 61,524 locations.

⁴ Census Block Service areas are listed in Exhibits A & B of ETC application. The areas are SE of Kansas City, Central Missouri, west of St. Louis, and the Cape Girardeau area.

⁵ 47 U.S.C. §214(e)(2) and FCC rule §54.201.

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takes such action then Staff recommends the company file a copy of the FCC's action into this case file. Consequently Staff recommends the following wording be used in the Missouri Commission order:⁶

Staff recommends the Commission grant ETC status to Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable for the purpose of receiving federal high-cost and low-income support where they receive RDOF support in the area identified by census blocks in Exhibit A for Charter Fiberlink-Missouri, LLC & Exhibit B for Time Warner Cable of the companies' application. If the FCC removes any such census block from eligibility for RDOF support then the company(ies) 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.

⁶ Staff has shared the proposed wording with the applicants who indicate the proposed wording is acceptable.