

**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**

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

1. On January 7, 2021, Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable, (Companies) filed a *Joint Application of Charter Fiberlink-Missouri, LLC and Time Warner Cable Services (Missouri), LLC for Designation as an Eligible Telecommunications Carriers to Receive Rural Digital Opportunity Fund I Auction (Auction 904) Support for Voice and Broadband Services and Request for Expedited Consideration* with the Commission requesting that the Commission issue an order granting the Companies eligible telecommunications carrier (ETC) status for specific census blocks. The Companies' request, if approved, would permit them to receive federal support pursuant to the Rural Digital Opportunity Fund (RDOF) auction held by the Federal Communications Commission (FCC).

2. The RDOF program is part of the FCC's attempt to bridge the digital divide. It seeks to expand high speed fixed broadband service to rural homes and small businesses presently lacking the service. Phase one of the auction began

October 29, 2020, and targeted over six million homes and businesses unserved by voice and broadband speeds with downloads of at least 25 Mbps. Phase two of the auction will cover areas that are partially unserved and those areas not covered in Phase one. Winning bidders must submit to the FCC proof of their ETC status within 180 days of being announced as a winning bidder.

3. The Companies are both presently certificated in the state of Missouri to provide competitive local exchange and interexchange services. The Companies included Exhibits A and B with their *Application*, which outline the specific census blocks for which they request ETC designation.

4. Commission rule 20 CSR 4240-31.016 governs the specific eligible telecommunications carrier requirements that each applicant must meet. Applications must also comply with 20 CSR 4240-2.060 and shall be verified by oath as to the truthfulness contained in the application by an officer or director of the applicant.

5. The FCC requires all winning bidders to submit a Long Form that includes information about a company and its plans to fulfill its bid requirements, which must be approved prior to a company receiving any funds. The ETC process under 20 CSR 4240-31.016 does not address and is not designed to assess a company's technology broadband speed and latency capabilities.

6. Staff conducted an investigation and has provided a memorandum attached to this pleading as Appendix A. Staff's memorandum outlines the reasons why Staff believes Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable have met the requirements of 20 CSR 4240-31.016 and should receive ETC designation.

7. Charter Fiberlink-Missouri, LLC and Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable sought waiver of the 60-day notice requirement pursuant to the Commission's rule 20 CSR 4240-4.017.

**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 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 the *Application*; that it grant waiver of the 60-day notice; and that it grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

**/s/ Whitney Payne**

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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 10<sup>th</sup> day of February, 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:** February 10, 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.<sup>1</sup> The companies are certificated CLEC and IXC providers in Missouri.<sup>2</sup> The companies were recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas.<sup>3</sup> The RDOF funding requires the companies to extend broadband service to a designated number of locations in certain census blocks.<sup>4</sup> Charter and TWCIS seek ETC designation in the won census blocks.

Federal authority enables state commissions to grant ETC status to a company.<sup>5</sup> 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.

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 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.

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<sup>1</sup> Charter and TWCIS are subsidiaries of Charter Communications, Inc.

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

<sup>3</sup> 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.

<sup>4</sup> 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.

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