

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

In the Matter of the Application of)
Barry Technology Services, LLC for)
Expansion of its Designation as a)
Telecommunications Carrier Eligible for) **Case No. TA-2021-0336**
Federal Universal Service Support)
Pursuant to the)
Telecommunications Act of 1996)

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 April 6, 2021, Barry Technology Services, LLC, (Company or Barry) filed *Application of Barry Technology Services LLC, for Expansion of its Designation as an Eligible Telecommunications Carrier* with the Commission requesting that the Commission issue an order granting the Company expanded eligible telecommunications carrier (ETC) status for a certain census block. The Company's request, if approved, would permit it to receive federal high-cost and low-income support pursuant to the Rural Digital Opportunity Fund (RDOF) auction held by the Federal Communications Commission (FCC). Barry indicated that it will also seek Missouri Universal Service Fund (MoUSF) support and Disabled program support.

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 25mbps. 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 Company is presently certificated in the state of Missouri as an interexchange telecommunications service provider. The Company included identification of the specific census block for which it requests expanded 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 Barry has met the requirements of 20 CSR 4240-31.016 and should receive expanded ETC designation.

7. Barry sought waiver of the 60 day notice requirement pursuant to the Commission's rule 20 CSR 4240-4.017. Staff recommends that the waiver be granted.

WHEREFORE, Staff recommends that the Commission approve Barry Technology Services, LLC's, request for expansion of its designation as an eligible telecommunications carrier for the purpose of receiving federal high-cost and low-income

support for the census block identified in its *Application*; that it grant a waiver of the 60-day notice requirement; and that it grant such other and further relief as the Commission considers just in the circumstances.

/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 6th day of May, 2021, to all counsel of record.

/s/ Whitney Payne

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TA-2021-0336

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

Subject: Staff's Recommendation to Approve Barry Technology Services, LLC's
Request for Expansion of Existing ETC Designation

Date: May 6, 2021

On April 6, 2021, Barry Technology Services, LLC (Barry) filed an application for expansion of their designation as an Eligible Telecommunications Carrier (ETC).¹ The company is headquartered in Cassville, Missouri and is a registered IVoIP provider in Missouri.² Barry was recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities to 26 locations within one census block located in Barry County, Missouri.³

Federal authority enables state commissions to grant ETC status to a company.⁴ Missouri's ETC application requirements are contained in existing Missouri Commission rule 20 CSR 4240-31.016. Staff reviewed the company's request for compliance with Missouri's rules as well as federal requirements. In Staff's opinion the company has adequately met all requirements. Consequently Staff supports the company's application for expansion of their ETC status.

Staff recommends the Commission expand Barry Technology Services, LLC's ETC status for the purpose of receiving federal high-cost and low income support to Census Block No. 290099604011.

¹ ETC status granted in Case No. TA-2019-0114. The company currently receives funding to expand broadband service to 2,308 Missouri locations.

² Case No. DA-2019-0310. Barry is a subsidiary of Barry Electric Cooperative.

³ The company has been awarded \$14,502 over 10 years to extend broadband service to 26 locations within Census Block No. 290099604011. The company deploys fiber as the last mile technology.

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